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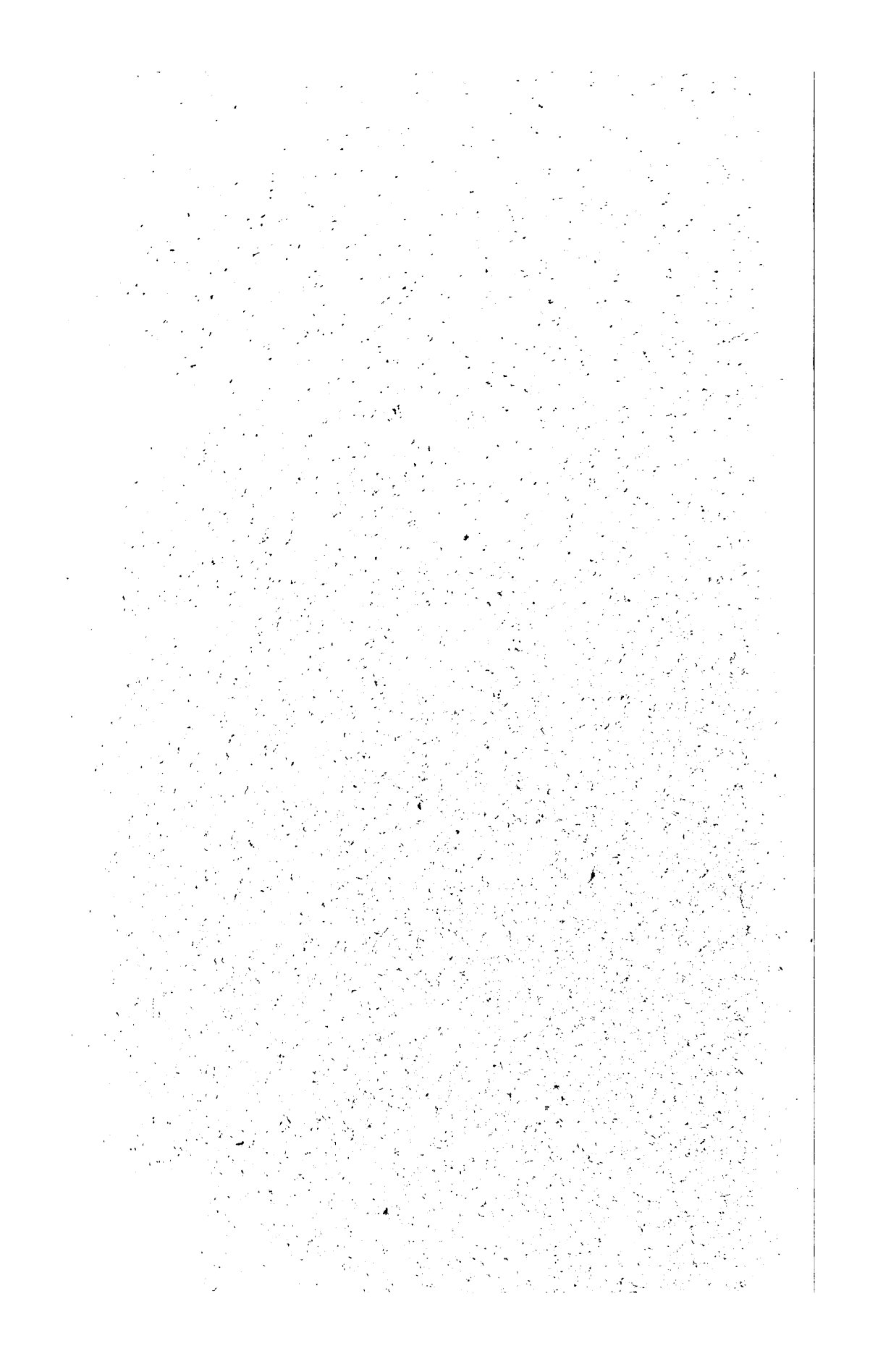
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REPORT
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NINETEENTH ANNUAL
LAKE MOHONK CONFERENCE
ON
INTERNATIONAL ARBITRATION

MAY 14th, 15th AND 16th

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PUBLISHED BY THE
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PUBLISHED BY THE
LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION
MOHONK LAKE, N. Y.

1913

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PREFACE

The Lake Mohonk Conference on International Arbitration was founded in 1895 for the purpose of creating and directing public sentiment in favor of international arbitration, arbitration treaties and an international court. To this end it works through annual and representative assemblies, the members of each being entertained each year to and including 1912 by Albert K. Smiley at his summer home at Mohonk Lake, about one hundred miles from New York City. At his death, on December 2, 1912, the Lake Mohonk property passed to his brother, Daniel Smiley, who for years had been associated with him in the management and expense of the conferences, the deed of gift containing the following renewal of his conviction, often publicly expressed by him, that his brother, sharing his interest in the conferences, would carry on the work he founded.

"This instrument is made * * * in the hope and belief that the party of the second part (Daniel Smiley), his children and successors in interest in the property hereby conveyed, will carry on and extend the scope of the plans of the said Albert K. Smiley, and in the sunset of life it is an unspeakable gratification to him that he has in his immediate family those who are interested in maintaining this home where just dealing will prevail, where warm greetings will be extended, and kindly interest shown to all. * * * It is a great pleasure to feel that for generations to come streams of high-minded, distinguished philanthropists will gather at this mountain top to discuss great national and international questions which will help to solve the great problems of society, and make Mohonk * * * known in the remotest corners of the world for its high aims and warm interest in every movement for the betterment of mankind."

Accordingly, the Conference of 1913 was held on the invitation of Mr. and Mrs. Daniel Smiley who also continue to maintain a permanent office, in charge of the secretary, through which the annual conferences are arranged and a continuous correspondence conducted.

The Conference is greatly aided, not only by those who attend its sessions, but also by the official co-operation of one hundred and eighty-three leading Chambers of Commerce and like bodies throughout the United States, Canada and other nations, and of a large and widely scattered body of "Correspondents."

The Nineteenth Annual Conference was held in the parlor of the Lake Mohonk Mountain House, May 14, 15 and 16, 1913, with about two hundred and fifty members in attendance. Six sessions were held, the proceedings of which—consisting of discussions of the present status of international arbitration, of an international court, of the education of public opinion, and of other allied subjects—are given, nearly in full, in this report. The attitude of the Conference on various questions discussed is shown by the Platform and Supplementary Resolutions (p. 8).

The management of the Conference, while providing opportunity for free discussion of matters not foreign to the purpose of the meeting, assumes no responsibility for individual opinions printed herein.

One copy of this report is sent to each member or official correspondent of the Conference, and several thousand copies are mailed to individuals in public and private life, to libraries and to other institutions. Distribution of current reports is free to the limit of the edition, and libraries and public institutions can obtain back numbers without charge except for transportation. Applications for reports, and other correspondence, should be addressed to the Secretary of the Conference.

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PLATFORM

OF THE
NINETEENTH ANNUAL LAKE MOHONK CONFERENCE ON
INTERNATIONAL ARBITRATION, 1913

(The platform is the official utterance of the Conference and embodies only those principles on which the members unanimously agreed.—Ed.)

The Nineteenth Annual Lake Mohonk Conference on International Arbitration, in view of the probable meeting of a third Hague Conference in 1915, respectfully recommends:

1. That the Secretary of State of the United States urge the nations which participated in the second Hague Conference to form immediately the international preparatory committee recommended by it* to prepare and submit to the nations a program for the third Hague Conference and to devise a system of organization and procedure for the Conference itself.
2. That the Secretary of State consider the expediency of submitting to the international preparatory committee at an early date a list of the topics which the United States especially desires to have considered at the third Hague Conference with an outline of the proposals of the United States on each topic.
3. That the third Hague Conference reconsider the question of a general treaty of arbitration which shall, in accordance with the principle of obligatory arbitration unanimously adopted by the second Conference,† submit to arbitration without restriction disputes of a legal nature, or relating to the interpretation and application of international agreements, and such other controversies as may be considered susceptible of arbitral or judicial determination.
4. That the Court of Arbitral Justice, approved in principle

* * * * the (second Hague) conference considers that it would be very desirable that, some two years before the probable date of the (third) meeting, a preparatory committee should be charged by the governments with the task of collecting the various proposals to be submitted to the conference, of ascertaining what subjects are ripe for embodiment in an international regulation, and of preparing a programme which the governments should decide upon in sufficient time to enable it to be carefully examined by the countries interested. This committee should further be intrusted with the task of proposing a system of organization and procedure for the conference itself."—From Acts of Second Hague Conference, 1907.

† "The Conference, * * * is unanimous—

1. In admitting the principle of compulsory arbitration.
2. In declaring that certain disputes, in particular those relating to the interpretation and application of the provisions of international agreements, may be submitted to compulsory arbitration without any restriction."—From Acts of Second Hague Conference, 1907.

PLATFORM

by the second Conference* be established, for the adjudication of disputes of a justiciable nature, without altering the status of the Permanent Court of Arbitration.

5. That the exemption from capture of innocent private property of the enemy on the seas be considered anew by the third Hague Conference.

6. That in general, greater stress be laid by the third Hague Conference upon the means and measures by which peace may be maintained, or restored when broken, than upon the rules and regulations of warfare.

* The text of the Draft Convention of the Second Hague Conference relative to the creation of this court may be found in the report of the 1910 Mohonk Conference, p. 229, or in "Texts of the Peace Conferences at The Hague, 1899 and 1907," edited by James Brown Scott, Ginn & Co., Boston, 1908. p. 141.—Ed.

SUPPLEMENTARY RESOLUTIONS* ADOPTED BY THE CONFERENCE

RESOLVED: That the independent negotiation of treaties or conventions of particular or special interest to two or more contracting powers, analogous in nature and scope to the Rush-Bagot Agreement of 1817,† without regard to common consent or general participation is highly desirable.

RESOLVED: That the utmost possible publicity concerning all consummated international agreements, whatever their nature or content, would conduce to the peace of the world.

RESOLVED: That in the interest of commerce, friendly intercourse and peace, all agreements between nations, whether general, particular or special, should be fully executed, or lived up to, in spirit as well as in letter.

RESOLVED: That this Conference desires to call attention at this time to the recommendations of the first and second Hague Conferences that Commissions of Inquiry be instituted on occasion to report the facts on serious disputes arising between any two signatory powers; and bearing in mind the valuable service rendered by a Commission of Inquiry in 1904 in settling the North Sea incident between Great Britain and Russia, this Conference notes with peculiar interest the proposal of the Secretary of State of the United States‡ to make use of standing Commissions of Inquiry which shall be allowed adequate time for their investigations.

* For resolution presented by the official delegates of business organizations, and an additional resolution, see proceedings of the sixth session.—Ed.

† The text of this agreement may be found in the report of the 1910 Mohonk Conference, p. 109.

‡ "The parties hereto agree that all questions of whatever character and nature, in dispute between them, shall, when diplomatic efforts fail, be submitted for investigation and report to an international commission (the composition to be agreed upon); and the contracting parties agree not to declare war or begin hostilities until such investigation is made and report submitted.

"The investigation shall be conducted as a matter of course upon the initiative of the commission, without the formality of a request from either party; the report shall be submitted within (time to be agreed upon) from the date of the submission of the dispute, but the parties hereto reserve the right to act independently on the subject-matter in dispute after the report is submitted."—Tentative suggestion of Secretary Bryan submitted April 24, 1913, to representatives of foreign governments in Washington. (Advocate of Peace, June, 1913.)

THE NINETEENTH ANNUAL LAKE MOHONK CONFERENCE ON INTERNATIONAL ARBITRATION

First Session
Wednesday Morning, May 14, 1913

The Nineteenth Annual Lake Mohonk Conference on International Arbitration met in the parlor of the Lake Mohonk House, Mohonk Lake, N. Y., on the 14th of May, 1913, at 9:45 A. M. About two hundred and fifty persons were present as the personal guests of Mr. and Mrs. Daniel Smiley. In welcoming them, Mr. Smiley said:

REMARKS OF WELCOME BY MR. DANIEL SMILEY

The first word spoken in this conference I wish to be one of earnest welcome coming straight from our hearts—both my wife and myself—to you, every one, who have responded so loyally to the invitation to continue this work; of thanks, too, for encouragement by your presence to carry on alone the work which for so many happy years we have done in loving support of, and in harmonious co-operation with, those who were father and mother no less than brother and sister * to me and to my dear wife, without whose devoted aid this conference could not now be continued.

There is no change of policy for the conference to announce, nor do I think you either expect or wish any.

In one detail, there is a departure from our custom. In place of one chairman for the whole conference it has seemed expedient this year to have a separate presiding officer for each session, and I am happy to announce for our chairman this morning a veteran in the Mohonk Conferences, our good friend, Dr. LYMAN ABBOTT, editor of *The Outlook*. (Applause.)

ARBITRATION AS A MEANS FOR THE PROMOTION OF INTERNATIONAL JUSTICE

ADDRESS OF DR. LYMAN ABBOTT

It has seemed to me fitting to take this occasion, and Mr. Smiley's opening remarks emphasize and endorse that opinion,

* Both Mr. and Mrs. Albert K. Smiley died during the preceding winter. For mention of a memorial service held on the afternoon of May 14, see Appendix C.—Ed.

ABBOTT

to recall to ourselves the object, the purpose and the spirit of this Conference as defined in the opening sessions of previous Conferences. It is by its title not a peace conference, but a conference on international arbitration; and this is a much larger and profounder theme than simply peace. In the opening of the first session, June 5, 1895, Mr. Albert K. Smiley defined the purposes which he had in mind, and the spirit which he hoped would animate the subsequent sessions. He asked that the discussions might not go into the subject of the horrors of war or of the doctrine of "peace at all hazards," but might be turned to the consideration of the means by which our own country might have all her disputes with foreign lands settled by arbitration, and might bring other nations to join her as rapidly as possible. In closing, he urged that the same spirit which had always characterized the Mohonk Indian Conference might prevail here,—the spirit of Christian kindness, together with a frank expression of opinion. This wish has always been fulfilled, and I may add that no one has done more to bring about that fulfilment than the two brothers Smiley.

At that Conference Dr. Edward Everett Hale made a notable speech, and introduced the following resolution which was referred to the Special Committee requested to report at the next Conference:

"RESOLVED, That the President be requested to invite the governments of Austria, England, France, Germany and Russia to join with the United States in the establishment of a Permanent Tribunal of the highest character, to which may be submitted from time to time, for arbitration, questions arising between these powers."

If you will turn from this first report to the second one, you will find that the second Conference was largely taken up with the discussion of this question of a permanent tribunal. And as a result of the discussions the Conference of 1896 adopted the platform from which I will read a few sentences:

"In the settlement of personal controversies civilization has substituted the appeal to law for the appeal to force. It is high time for a like substitution of law for war in the settlement of controversies between nations. Law establishes justice, war simply demonstrates power. Such a substitution of law for war requires a permanent tribunal to which all nations may appeal. . . . Such a tribunal should be so constituted that all civilized nations may, if they choose, by adhering to the treaty constituting it, avail themselves of its benefits. Disarmament of the nations should follow such recognition of and provision for, the reign of reason over the passions of mankind."

Four years before the American representatives to The Hague Conference suggested a permanent court of arbitration, it had been suggested in this Conference; and I think it is reasonable to surmise that the suggestion came primarily from this Conference, through America, to the world.

INTERNATIONAL JUSTICE

The substitution of the appeal to reason for the appeal to force has for its object something more important than the amelioration or cessation of war; namely, the establishment of justice. So long as lovers of peace simply cried out for peace, the cry fell on unheeding ears. When there was proposed some other method for establishing justice between the nations, the world began to listen. Judge Parker, in his address of welcome to the delegates from abroad last week, said that greater progress had been made toward peace in the last fourteen years than in all the years which preceded. The reason why greater progress has been made is that for the last fourteen years our appeal has not been primarily for peace but for justice, and for peace following justice. (Applause.)

In the present condition of the human race the armed man is sometimes a necessary means of securing peace, because a necessary means of securing justice. A somewhat humorous illustration of this self-evident truth was afforded at a meeting of the Peace Congress in St. Louis last week. A peace delegate on his way to a disarmament meeting encountered a pickpocket. A struggle ensued. The peace delegate was not a good fighter and was getting the worst of it. Two men came to his rescue. The *mélée* became serious and one man got a black eye. Then an armed policeman appeared on the scene and brought about both justice and peace. It is not without significance that we call our policemen officers of the peace. (Laughter and applause.) It is not without significance that we call our minor judges, whose business it is to deal with the first beginnings of injustice, justices of the peace. It is not only the armed man but sometimes the armed force that is necessary. Mrs. Catherine Trask has written a very interesting and eloquent drama—better perhaps for reading than for presentation on the stage—entitled, "In The Vanguard," the object of which is to portray the horrors of war. Her hero enlists and finds in the camp a soldier attempting forcibly to kiss a girl. He interferes, her resistance being futile, seizes the fellow by the arms, forces him away, and throws him on the ground. The girl escapes. He goes on to the battlefield and there, moved by the horrors of the scene, comes to the conclusion that all war is wicked, and retires with the stigma of deserter upon him. Ladies and gentlemen, if it is right for one man to interfere to prevent an insulting kiss being given to a helpless woman, it was right for the Bulgarians to interfere to prevent their wives and daughters from being carried into the harems of the Turks, and right to suffer whatever consequences were necessary to furnish that protection.

Combateness and destructiveness are not vicious elements in human nature. They are not to be destroyed; they are to be guided by reason and directed to beneficent ends. There are times when war is necessary. The history of the world would

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be poorer than it is if there were no record of war on its pages; if there had been no heroes who dared to fight for justice and liberty; no William of Orange to array his country against the persecuting sword of the Duke of Alva; no Cromwell to stand for civil liberty in England; no Washington to lead the forces of America against foreign despotism. Christianity does not emasculate man. Christians have not stood and ought not to stand for peace at any price. They have recognized, and they ought to recognize, that there are worse things than war, bad as war is. Constantine was led to adopt Christianity primarily because he found the primitive Christians in the fourth century better soldiers man for man than the pagan Romans. Never have there been braver or better soldiers than the Puritan Ironsides, whose heroism gave liberty to England and to America.

This truth the Bible abundantly recognizes. First pure, then peaceable, is its motto. In Paul's description of the Kingdom of God, righteousness, peace, and joy, righteousness precedes peace. There is no honorable peace which is not founded on righteousness. When Isaiah prophesied that men shall beat their swords into plowshares and their spears into pruning hooks, and shall not learn war any more, he based this expectation on his faith that the time will come when men will walk in the paths of God and the law will go out of Zion, enforced, not by sword and spear, but by the intelligent conscience of self-governing peoples. "If it be possible," says the apostle, "as much as lieth in you live peaceably with all men." It is not always possible. It does not always lie in us so to live. On the contrary, it is quite possible to pay too high a price for peace. Our fathers would have paid too high a price if, in 1776, they had bartered liberty for peace. The generation of the Civil War would have paid too high a price if, for the sake of peace, they had allowed the country to be rent in twain and a great slave empire to be founded, extending from the Ohio River to the Gulf of Mexico, and perhaps including Mexico and Central America. (Applause.)

Enduring peace is possible only when it is the fruit of justice. The blow of the fist, the gleam of the sword, and the bark of the cannon, will continue until some other power than that of the armed man is found to protect innocence from injustice. "War," says Charles Sumner, "is a public armed contest between nations under the sanction of international law, to establish justice between them." With the convening of The Hague Conference in 1899 there was wrought into the consciousness of mankind a better plan than war for establishing justice between the nations. The plan of a Supreme Court of the Nations was not novel, but with the proposals of the American delegates to The Hague Conference, such a court ceased to be the dream of the prophet and became a purpose of statesmen. So long as mankind thought that there was no other method of securing justice between

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nations than armed conflict, so long the plaintive cry of peace fell on unlistening ears. When a plan for securing justice was proposed that promised to avoid the tragedy of war, mankind began to listen. The proposal is nothing less than a substitution of an appeal to reason for the appeal to force. But before this substitute can be successfully adopted, three conditions are necessary.

There must be developed in the civilized nations a sense of justice strong enough to overcome race, religious, and national prejudices.

This international conscience must create some permanent tribunal which can give it official and authoritative expression.

And there must be developed in every nation such a sense of honor that having once submitted a question to this tribunal, its decision will be accepted not perhaps without criticism, but without resistance or serious complaint.

The public agitation of the last fourteen years and the increasing intermingling of different civilized nations, due to facility of travel and increase of commercial interchanges, have done much to fulfill the first condition—to develop an international conscience which demands international justice. The statesmen who have proposed the creation of an international tribunal whose authority the nations will recognize, have not yet overcome the obstacles which prevent the creation of such a tribunal. But they have meanwhile paved the way for its creation by processes of international arbitration frequently repeated, and are thus preparing to fulfill the second condition. In America we have yet to create a public opinion which will insist that our Government shall carry out in good faith every treaty of international arbitration which it makes. Until this, the third condition, is fulfilled, the dangers of war will not be averted. The necessity of home education in this respect is illustrated by three recent incidents in our history.

We had a treaty with Russia. We believed that she violated that treaty in refusing to recognize our passports when issued to American citizens of the Jewish faith. We should have proposed to Russia to submit the interpretation of that treaty to The Hague Tribunal. Instead of so doing, we, with passionate haste, annulled it.

We made a treaty with Great Britain in which we agreed that all the vessels of the world should have equal advantages in their use of the Panama Canal. Great Britain thinks we have violated that treaty in exempting coastwise vessels from Canal tolls. Some of our ablest lawyers are of the same opinion. Yet, unless vigorous measures are taken to arouse a public sentiment in favor of submitting the interpretation of that treaty to The Hague Tribunal, it is probable that the controversy between America and Great Britain on the subject will remain unsettled and be provocative of alienation and dissatisfaction on both sides of the Atlantic. There will be no war, but it is not enough to stop war

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and rumors of wars; it is necessary to establish such a tribunal and such a submission to that tribunal that discontent between these two great nations shall be impossible.

We made a treaty with Japan granting certain privileges to the Japanese. The State of California, without waiting for consultation with the Japanese people and without consideration for their feeling, has passed an Act which to the Japanese seems a violation of the spirit of that treaty; and there is danger that, as the result, the friendly relations between Japan and America will be seriously impaired. I hold that our American people have the right to determine who may come to America and who may not. But when that question arises between us and Japan there are two ways to settle it. One is the way in which Christian gentlemen settle their disputes; the other is the way in which roughs settle their disputes. We have not pursued the course which Christian gentlemen pursue. We ought to have such a public sentiment in this country that when that question arises, before we have put an act of any kind on the statute book or threatened to do so, we shall go, as one gentleman goes to another, to our Japanese friends and say that for certain reasons of our own we wish to make peaceable and satisfactory arrangements by which our land shall be kept free from more race problems. We might not have been able thus to avoid arousing their sensitive pride. But we made no attempt to avoid arousing their sensitive pride.

It cannot be too strongly affirmed that it is worse than useless to make a general arbitration treaty, and then when any conflict arises which arouses popular prejudice and excites popular clamor, disregard our treaty obligations on the ground that it is either not consonant with our interest or with our honor to submit the question to a foreign tribunal. The greatest peril to-day to the Peace Movement which seeks to substitute an appeal to reason for the appeal to force, is not the limitations upon our general arbitration treaties: it is our failure to carry them out when international controversies arise. (Applause.)

Until these three precedent conditions are complied with, until we have an international conscience which calls for an international tribunal, statesmanship which succeeds in constituting such a tribunal, and a national conscience which enforces the submission to such a tribunal of international controversies when they arise, any disarmament, unless made by nations in co-operation with one another, is far more likely to promote war than to promote peace. There are two ways of promoting peace: one by making our Nation so weak that it cannot fight; the other by making it so strong that it need not fight. Weakness is a terrible provocative of war. The War of 1812 would not have occurred if Great Britain had believed that we had a navy adequate to protect our citizens upon the sea. It is doubtful whether the Civil War would have occurred if Andrew Jackson

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had been in the President's chair instead of James Buchanan. It is certain that it would have been of shorter duration and of less terrible extent. America is one of the richest countries on the globe. Make it also one of the weakest, and it would invite assault. It is the first duty of a government to protect its people in the enjoyment of life and liberty. If it fails to afford such protection it has no right to exist. America, therefore, must have an army sufficient in size, equipment, and efficiency, to protect its citizens from violence at home, and a navy sufficient to protect its coasts and its commerce from attack and to enable it to take its share in the fulfillment of those world obligations which belong to all the civilized nations of the earth.

This paper may be summed up in two sentences. We can establish peace only by establishing justice. To do this we must by voice and pen develop in the Nation a public conscience which will demand the fulfillment of arbitration treaties already made before undertaking to make other treaties still more general; we must seek to develop a public sentiment in the civilized nations of the world which will both create a tribunal for the establishment of international justice and peacefully enforce its decisions; and until that is accomplished, and the appeal to reason is accepted by our own people and the peoples of the world as a real substitute for the appeal to force, we must maintain an army and a navy adequate for the maintenance of justice both within our borders and in our international relations; and we must never forget that our object in this movement is the establishment of international justice, and of peace only as it is founded upon justice. (Applause.)

Mr. DANIEL SMILEY announced the officers of the Conference, a list of whom will be found on page 2 of this report.

Mr. ALEXANDER C. WOOD, Treasurer of the Conference, presented his report, properly audited, showing receipts during the past year of \$2,688.06 and disbursements of \$2,674.54, leaving a balance of \$13.52. He called attention to the fact that funds in the treasury are solely from voluntary subscriptions and are used only for printing and postage and for distribution of the annual reports and other literature authorized by the Conference or its Committees. All other expenses, Mr. Wood explained, including the salary of the permanent secretary and the maintenance of the permanent office, are borne by Mr. Smiley.

The CHAIRMAN: The names of the speakers on the program of this Conference are a sufficient evidence that men of large experience and of practical views of life are interested in and committed to the movement which has brought us here. One whose legal and international knowledge is of the highest value

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to us is our first speaker, Dr. JAMES BROWN SCOTT, Secretary of the Carnegie Endowment for International Peace and Member of the American Delegation to the Second Hague Conference.

THE MISSION OF THE MOHONK CONFERENCE— PAST, PRESENT, AND FUTURE

ADDRESS OF JAMES BROWN SCOTT, LL.D.

In a much-quoted passage at arms in the House of Commons a speaker was referred to as having repeated and weakened the arguments by their repetition of the leader whom he followed in debate, and I feel somewhat embarrassed in following Dr. Abbott, as I had intended to lay before you some thoughts concerning the future progress and conduct of these Lake Mohonk Conferences, based upon the nature of the organization and of its work as shown by the proceedings of the first meeting, held in 1895, and the second, in 1896. Inasmuch, however, as that has been done and, if I may say so, admirably done by the Chairman, I shall content myself with the statement that from my reading of the reports of the First and Second Conference, I am happy to say that the Chairman's views are entirely correct. There is, however, an incident of very considerable importance which occurred at a later conference, and, as Dr. Abbott seems to have confined himself to the first two, whereas, there have been eighteen meetings in all, and as he has not read them with that care and loving kindness which he has lavished upon the first two, I venture to ask your attention for a brief moment.

At the seventh meeting, held in the year 1901, some two years after the meeting of the First Hague Conference, it was apparently thought that the mission of the Mohonk Conference on International Arbitration had come to an end. Twenty-six nations of the earth, representing the most enlightened nations—they themselves admitted the fact—had met at The Hague and agreed upon various means of keeping peace when it existed and of restoring it when it had been broken. The Conference declared that arbitration was at once the most effective and most equitable method of settling international disputes which diplomacy had failed to adjust. It recommended that the nations should enter into treaties of arbitration to include not merely legal questions and questions concerning the interpretation and application of treaties, but other questions if they were so minded, and it created a means and instrumentality to give effect to its recommendations, namely, the so-called Permanent Court of The Hague. It seemed to some of the good people attending the Mohonk Conference of 1901 that Mr. Smiley's

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mission had ended. As presiding officer, Mr. Chief Justice Stiness said:

"Our *missionary* work is done. We do not need longer to educate the people up to this. We do not need to present arguments to show that it is feasible, right, and just. The nations have said so by their solemn declaration.

"You may ask, What else is there for us to do? The thing is accomplished. Well, it is one thing to invent a machine, and it is another thing to make it run. Now the machine has been constructed; the plan has been wrought out. It is the plan that in substance was first, if I am correctly informed, broached here at this place; it was crystallized into form by the New York Bar Association,—the noblest act which can ever honor the name of that association. That having been accepted by the governments of the earth, why should we further consider the question of international arbitration?

"Well, there are several reasons. In the first place, it is a very easy thing to make declarations upon paper; it is a somewhat different thing to carry these declarations into action. We all know how long it was in the history of our own country before the Supreme Court of the United States was able to try a case. It was a new thing. The idea of a court having control of citizens of different states and settling their disputes and the disputes between different states, was one that people were very slow to put into action, however much they might be satisfied as to its principles. Now, it must necessarily be very much the same thing with reference to an international court, and consequently there needs to be considered the practical question, what can be done by our government—by those whom we can influence—to put this principle into action; what can be done to set the machinery in motion?"

The question of the learned Chief Justice is as difficult to answer to-day as it was in the year 1901. The Lake Mohonk Conference, which began its labors in 1895 in the presence of a devoted little band, some of whom are here to-day, although its founder and many of his friends and associates are no longer with us, has as much need to exist in the future as at any time in the past. The great progress that has been made is but a beginning. There was no break after the meeting of the first Hague Conference and there should have been none; and there is no break and there should be no break after the death of Mr. Albert K. Smiley. His purpose was that the conferences which he called into being should be continued as long as there was any need for them, and, ladies and gentlemen, there will be need for such conferences as long as there are international disputes between nations. (Applause.)

I would like to speak briefly upon one phase of the important question: What shall be done? We should do what we have done in the past and, encouraged by the results that have been achieved in the past, we should, I think, while keeping before us the original ideal, endeavor to make more effective the machinery and the agencies which have been created for its realization. The Chairman read a passage from the report of the

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second annual meeting, but his modesty, no doubt, caused him to overlook the report of a committee of which he was chairman to consider what the programs of future conferences should be. This committee met and its report, of which the Chairman of to-day was the mouthpiece, laid down the lines which have been followed ever since. And I submit that they should be continued until the purposes for which the conferences met have been accomplished, which will, I fear, be far beyond the lives of any persons now in being. I ask you to listen to certain statements contained in the report. Dr. Abbott then said, speaking for the committee:

"We are not here to enter into general denunciations of war or general pictures of its horror or general eulogies of the beauty of peace. That is all legitimate and desirable in other places, under other circumstances, before other audiences, but we may fairly assume that we here are all generally in favor of peace, and do not want war. What we are here for to-day, and in these succeeding days, is, first of all, honesty compels us to say, to have a very good time! But, second, and not altogether incidentally, to consider the practical aspects of the questions before us, and your business committee, in order to make those aspects clear, have endeavored to formulate them in certain specific questions.

- (1) Is a permanent tribunal for the settlement of international differences desirable and practicable?
- (2) Should it be urged at first for English-speaking peoples only, or for other nations also?
- (3) How shall such a court be constituted?
- (4) Is any increase of our army, navy, or fortifications needed at the present time?
- (5) What measures can be taken to develop public opinion in this country in favor of the substitution of law for war in the settlement of international controversies?"

It is true that in a certain sense the victory has been won. There is such a sentiment in favor of arbitration that its feasibility as a general method no longer needs to be argued. But the same questions exist to-day as existed when this conference first met. What may safely be arbitrated and what may not safely be arbitrated? Are we more likely to make progress by including in the subjects for arbitration a small list of probable causes of controversies, accustoming nations to submit their disputes to arbitration until the habit has been acquired? Or are we more likely to make progress by the general obligation to submit all controversies without attempting to define them? Again, is it not necessary to look into the question of arbitration a little more closely than we have yet done? Is arbitration to be considered merely as the makeshift of diplomacy? Is it merely to be called into play when nations have failed to adjust their difficulties through the channels of diplomacy? Is it to be a substitute for diplomatic procedure or is it to be merely diplomatic procedure? Is it to be a compromise of irreconcilable

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views, or is there not room for and need of a method of settling controversies of a legal and judicial nature by the application of principles of law between nations just as principles of law are applied every day between man and man in the settlement of what may be called domestic disputes? Is it not necessary to consider very carefully whether arbitration as a method of compromise has not had its day? Is it not incumbent upon us to develop arbitration along judicial lines, so that we shall have due process of law between nations just as we have it between individuals? Must we not, as far as we can to-day and in the future as we have tried in the past, work for the establishment of a truly permanent tribunal?

At the first meeting, without attempting to reply to these questions, I am happy to state that the question of a permanent tribunal was discussed, carefully considered, and resolved in the affirmative. The court, however, has not yet been constituted. The advantages of such a tribunal were stated in the course of discussion, but we are still waiting for the agency which will make peace between nations. Now, therefore, without regarding the movement as terminated by the establishment of the so-called Permanent Court of The Hague, or considering our mission as at all ended, should we not devote ourselves very carefully to the analysis of arbitration as a means of peaceful settlement and consider whether or not it should be developed from compromise into a judicial procedure, and should not this tribunal be created in the near future so that legal questions arising between nations may be settled when and as they arise by reference to a tribunal already in existence, composed of judges who act in accordance with the sense of judicial responsibility instead of allowing as at present small disputes, although of a legal nature, to assume political importance by reason of delay in their settlement? If we can bind nations two by two to arbitrate, or rather to settle by judicial means their controversies of a legal nature, we are justified in the hope that little by little other nations will by the force of example be brought into the movement, and we may look forward to a general treaty of arbitration to which all the nations may be parties, if we are willing to accept the minimum instead of insisting upon a maximum. The experience had in judicial settlement showing it to be safe will probably cause nations to include within this treaty more and more subjects until the large majority of controversies of a legal or judicial nature will be settled by due process of law between nations as between individuals, and justice shall reign between nations as it does within the four corners of every country which makes a pretense to civilization. When this is done, I am quite sure that we shall have that state of equilibrium which we call peace. Until it is done, we

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shall not have that equilibrium which is called peace, for peace, without justice, is to my mind neither permanent nor conceivable. (Applause.)

The CHAIRMAN: In our Sunday Schools we used to sing a song, "Little Drops of Water Make the Mighty Ocean." Mr. Bryan in his eloquent speech before the peace banquet pointed out that the greater the intelligence of the people, the greater the sense of brotherhood, the greater the power of the people. These three forces amount to nothing unless they are organized and harnessed. Mr. EDWIN GINN of Boston, founder of the World Peace Foundation, will tell us something about the organization of these forces.

ORGANIZING THE PEACE WORK

ADDRESS OF MR. EDWIN GINN

In this brief talk I shall leave to others the consideration of the progress in the peace cause during the past year, and confine myself to the need of not only general but specific work to meet the enormous forces arrayed against us. Is it not worth while in this peace work to give serious consideration as to how the money available shall be spent? Shall we be satisfied with doing a limited amount of work or shall we make definite plans for organizing this work broadly on business lines in order to overcome the odds against us? The whole world is looking forward with interest to this great movement that is bringing the nations together on a footing that promises more permanent peaceful relations, but by just so much as we are hopeful beyond reason will the cause suffer, and instead of helping it we will have delayed its onward march. We cannot settle this question in a year or in ten years. The war system has been so long in the building, it has taken hold of the lives of men so firmly, that it cannot be shaken off suddenly. They still feel that each nation must make enormous preparations for defense. But in reality the things that were necessary a few years ago are no longer needed. We have had the freebooter and the robber for many centuries and we have also had the robber nation. There now seems to be a strong desire to curtail the activity of this robber, whether individual or national, to confine each nation within its own boundaries and if those boundaries are not satisfactory to readjust them by diplomacy. In any case the *purchase* of territory is much less expensive than its acquisition through the medium of war when the cost in blood and treasure is taken into consideration.

Each nation has been acting independently, seeking for its own selfish interests, and the result of such action has not been beneficial to the world. It has resulted in frightful burdens

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and losses in property and human life which are becoming unbearable. No one nation is strong enough to arm itself sufficiently to meet attacks from all sides. That is a wrong method to attempt to pursue. At the bottom of all our difficulty lie suspicion and distrust, which are increased with every battleship launched and every soldier put into the field. It is not possible to convince any nation that increased armament is simply for protection. Why these immense armaments, each says to the other? They mean preparation for a great conflict; and so each nation is straining itself to the point of bankruptcy to meet any possible contingency. As I said before, the basis of our action is all wrong. Would it not be well to see what can be accomplished through co-operation?

Why not establish an international army and navy comprised of a small proportion of the forces of each nation,—five or ten per cent, or whatever is sufficient for the purpose,—to protect each and every one alike and restrain the turbulent and unruly? It will cost not a dollar more than the nations themselves are now paying individually for this army. The question of the organization and management of such a force has been raised: but similar action was successfully taken during the Boxer difficulties and I believe that it could be worked out on a larger scale. At the present moment the nations of Europe are acting in concert to modify and check the ravages of war. Such concerted action should be extended to include all the nations of the world.

All the nations should agree together that their first duty is to preserve the rights of each and all and to secure permanent peace. Some say that the nations will not so act, that they dare not give up the strong right arm on which they have relied so long. In the formation of this international army they are not asked to give up their own individual military protection, but simply that each shall contribute its proportion for the protection of all. This would leave the individual nations relatively as strong as before and each could continue in force the old system until convinced that it was no longer needed. We can point to our own Canadian frontier, which has remained unarmed for a hundred years, as an example of what can be done through trust and good will. The nations must no longer think of themselves alone, but as a part of the great world, a necessary part that cannot exist a moment without contact with others. We are practically one great world force, each nation being a part of the body politic. To realize how much of the world's work for humanity is being done irrespective of nationality, we need only recall the great international congresses of all kinds, physicians, chambers of commerce, the Red Cross, postal service, exchange of college professors, the large number

of students working at colleges other than those of their own nation, etc., etc. All of these forces are bringing the various nations into closer relations and tending to a better knowledge of each other, hence dissipating suspicion and distrust.

But there are tremendous forces at work in opposition to peace which must be overcome, the selfish interests of those who are making money from military preparation,—the ship builders, the manufacturers of cannon and small arms, and those who furnish supplies of all sorts for the armies and navies. Then there are five million men constantly employed in the armies of the world and twenty-five million men employed part of the time, all of whom are looking to the trade of war for their promotion, as a business, and the families are depending upon their salaries for a livelihood. It has been asserted that nearly one-sixth of the population of the world is more or less pecuniarily interested in this war system and that from fifteen hundred millions to two thousand millions of dollars' worth of contracts are given out yearly for the maintenance of armies and navies. Then there are the other financial interests that have such a tremendous amount at stake. When one-sixth of the people of this world are making their living out of the present régime, it is a tremendous influence for its continuance and the contribution of a few disinterested persons will not go very far towards changing conditions. All we can hope to do is to bring the facts to the attention of the world and show to the people the necessity of their organizing to oppose this gigantic force.

But we have hardly made a beginning. We are not asking for the first dollar from the people to be spent in such organization. They are not even asked to pay the traveling expenses of the majority of our lecturers. We are simply spending in an insignificant way the limited amount of money that has been contributed by a few generously minded persons and we call this efficient work in a great cause. This work for peace is really a charity, and charity as a general thing is inefficient. Why? Because it is not established on an economic basis. Efficiency is not necessary for its existence. It isn't obliged to compete with the world for its funds. Money so easily obtained is often thoughtlessly spent,—in larger salaries than should be afforded, or in contributions to other kinds of work, or in a thousand other ways. The *management* of such work is not looked after as sharply as that of private business enterprises. Herein lies our weakness.

The inefficiency of charitable work may be seen in the organizations for taking it up and carrying it on. They differ essentially from private enterprises. As a general thing, in this peace movement especially, we are relying on gratuitous work

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to a large extent or on persons who are giving only a small portion of their time to it. No private enterprise ever succeeded on such a basis. The first thing of importance in the establishment of any business is to secure capital sufficient to accomplish the desired end; and then to secure those men and women especially adapted to carrying on the work, not a portion of their time, while the larger part of it may be given to other enterprises, but all of their time.

In the World Peace Foundation we are trying to adopt the methods on which the world's work is successfully conducted. The plan of organization is similar to that of the ordinary college, calling for a board of trustees, a board of directors corresponding to the faculty, and an advisory council. The selection of these men meant a long and careful search. The efficiency of any movement depends largely upon the personal element. The best plans that can be made and the largest funds appropriated are worthless in the hands of incompetent people.

For trustees we have secured able men, some occupying executive positions at the head of leading colleges, others prominent business men. The first qualification in the men sought to serve as directors, who are to be responsible very largely for the execution of the work, was a strong desire to devote themselves to the cause. The next was experience in international affairs and the ability to labor successfully in this field. It is gratifying to be able to say that we have secured just the men we started out to find. They have not only accepted the call, but each has expressed a devotion to the cause as the one thing in the world which he has primarily at heart. While they have been prominent in the world's work, they are yet in middle life and capable of doing splendid service for many years to come. All are men of marked individuality. That is the kind of talent necessary for any great undertaking and each will find himself helped by contact with every other. It is the merging together of these strong qualities that we are aiming at, rather than the domination of any single personality. We want the greatest individual freedom in thought and action consistent with a broad and all-round development. It has been my aim to specify only the general outline of what we hope to accomplish, leaving to our trustees and directors the formulation of details.

During the last fifteen years I have given much thought to the war system of the world. My efforts have been directed mainly to the active work that seemed to me necessary before any considerable change can be effected. Writers and speakers have said much about the evils of this system, but have not given as much attention to the proper remedies that must be adopted to remove them. They have worked largely through conventions and publications, endeavoring with their limited means

to bring about a different state of things. We need to avail ourselves, with larger resources and better organization, of every avenue of education and influence in the great work.

First among these is the schools. Here is our greatest opportunity for impressing upon the young minds,—those who will soon undertake the responsibility of the world's work,—the true principles that should govern international affairs. It is not possible for us to instruct the children in the innumerable classrooms of the world on this subject, but I hope we may be able to do much in arousing the interest of the teachers in the cause and through them eventually the children under their care will be reached.

Our attention should be directed especially to the course of study in the schools, in order that we may improve conditions there. In times past when fighting was the main business of the world, literature consisted largely of the stories of conflicts, and much space was given to these descriptions in histories. Recent histories show a marked improvement in this respect, though there still remains too much that has a pernicious influence upon the child. Is it surprising that our children should receive the impression that war has contributed largely to the development of mankind, when so large a part of our histories and so much of the literature studied in our schools are devoted to the details of the battlefield, dwelling so emphatically upon the picturesque features of war,—the martialing of soldiers in glittering armor, the stirring music, and the brilliant charges, everything to inspire the young to wish to enter into this magnificent display? The other side of the picture should be as carefully portrayed,—the return of these regiments reduced to a tenth of their original number, maimed and feeble, carrying torn and blood-stained battle-flags. A knowledge of that side of the picture is necessary for a proper comprehension of what war means. The study of history should dwell largely upon the peaceful pursuits of life,—agriculture, trade, commerce, schools, science. These are the things to which the children should give their chief attention and not to the misfortunes resulting in the conflict of nations which should be passed over as briefly as possible, and not heralded, as in the past, giving the slightest minutia of the losses of men and material in conflict. That a hundred thousand men had been killed upon the battlefield should be mentioned, not as something praiseworthy, but as a great loss to the world.

At present for this work in the schools of the whole world we have an organization relying mainly upon one woman and her chief support is another woman. Two better women it would be hard to find, but is that what one would call an efficient organization for the greatest task this world has to per-

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form, to see to it that the coming generation shall have adequate training upon this all-important subject? At least one-third of all the money spent for peace should be devoted to the schools. The amount set apart by our Foundation for purely educational work is largely devoted to college students,—good in itself, excellent, but out of due proportion, because of the multitudes of young people who need training along these lines at an age when such training is most valuable. Only one in a thousand ever reaches college.

Then there are the preachers, who come in contact with all classes and conditions of men, young and old, the world over. Here is a tremendous influence that should be taken into consideration. The work of the churches should be made as constant and systematic as that of the schools. I do not know what churches are for if it is not to promote the brotherhood of men. They are not, it seems to me, exerting the influence that they should in this great cause. They are not organized properly. We need several strong and able men to work among the ministry from top to bottom, urging them to become more active in this campaign of education.

The press is also a powerful influence in this educational work and may be made vastly more so. Editors should be urged to exercise greater care in the selection of their material, and to eliminate such matter as tends to incite the people of one nation against another. Those who write for the newspapers should have a serious appreciation of their great responsibility. The press exercises a preëminent power over the destinies of mankind. We should see to it that a school of journalism is founded where bright young men who desire to enter this profession should be carefully educated for its duties? In every other branch of educational work the teachers and directors serve a long apprenticeship; but in this most important vocation special training has seldom been required. This is said with the fullest and most grateful appreciation of the conscientious and effective work being done by so many of our newspapers.

Another great body of men of highest influence are the merchants, the manufacturers and financiers of the world. They hold within their grasp the means for carrying on war, and we should see that they have the fullest information bearing upon this subject, in order that they should withhold their support from a system that is exercising such a baneful influence.

In our International Library we are publishing the best literature on this subject and circulating it as broadly as possible.

At present we are able to occupy only a small part of this great field,—doing a little with the college students, something with organizations of both men and women, with the press, with the churches, and with the schools: but we are dependent for

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results mainly upon the contribution of one or two men. My hope was for something quite different,—that we might go out with our few lecturers and teachers to tell the people of this great problem and the obstacles to be met, and prevail upon them to contribute the funds and workers necessary for its success. Instead of half a dozen or so paid teachers or lecturers, there should be a thousand centers of activity carrying on this work in a businesslike, intelligent way, and even then the youngest of us will not see war supplanted on present lines of activity; it will take not one century, but many; whereas, if this problem were undertaken on business lines some of us might hope to see great results even in our own lifetime.

Broadminded men and women come together at conventions to discuss this great problem. They make splendid speeches in order to convert others to their way of thinking, but all the time they are talking to the converted. Rarely, if ever, do they raise sufficient funds to send out copies of these speeches to even ten thousand of those who need them. How many milleniums must come before the people can be reached broadly in this way? The world is ripe for this doctrine, but, as I said above, the selfish interests of mankind are more actively at work than are we who are relying upon the generosity of a few people for the support of this great movement.

Don't understand me as undervaluing the work that is being done. I appreciate every force for betterment and I feel that as much as possible is being accomplished with the funds at our command; but we have before us a task that few comprehend. It is for us not only to institute the measures necessary to curtail this awful waste of life and property, but to bring conviction to the masses that this question cannot be handled successfully by a few people. It is a work, a most difficult work, for the whole world. We must do our part towards bringing the subject so forcefully before each and every one that all will feel that it is necessary to take a hand in it. We go about our vocations of every kind, giving ninety-nine per cent of our time and money to them, with hardly a thought or a dollar to the greatest of all needs, and expect these terrible evils of war will be done away with,—that in some way the powers of the earth or the heavens will remove them. Great changes in the established order of things do not come about in this way. The All-Wise Power has no hands or voices but ours. He must work through His creatures, and if we fail to take up His commands, the work will have to wait. Latent feeling must be transformed into action. The peace leaders have not impressed the people sufficiently with the idea that this is a work that cannot be accomplished by a few generously minded persons, that it must be undertaken by the people as a

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whole in a large way if any great change is to be made, and that it will never succeed with an indefinite and uncertain source of supply. We must place responsibility as broadly as possible upon the people and ask each to take a hand in contributions of both money and time. It is not enough for the minister in the pulpit to devote one Sunday in the year to a peace sermon; nor for the teacher in the school to give one day in the year to peace lessons; nor the newspaper one editorial in the year; nor the men of business and finance to have a convention once a year to talk over these matters. All must be awakened to the necessity of taking a vital hand in this work. The future of our cause depends especially upon the co-operation of vigorous young men who wish to devote their whole lives to carrying it forward; and to such our schools and colleges and churches should earnestly appeal. (Applause.)

The CHAIRMAN: I now call upon Mr. ANDREW B. HUMPHREY of New York, Secretary of the American Peace and Arbitration League, and American Secretary of the British-American Peace Centenary Committee.

PROGRAM OF THE AMERICAN-BRITISH PEACE CENTENNIAL

ADDRESS OF MR. ANDREW B. HUMPHREY

In the olden time when Paul and Silas journeyed to Macedonia preaching the new Gospel of Peace, Paul recorded that the Bereans "received the word with all readiness of mind, and searched the Scriptures daily whether those things were so, therefore many of them believed."

In like manner when the later day messengers of peace came to Mohonk in 1910 to enlist aid in the American-British Peace Centenary they found themselves in an hospitable mountain retreat and were welcomed by people who "received the word with all readiness of mind" and heartily entered into the spirit of the movement.

It seems eminently fitting that the proposed peace celebration should have a fixed place upon the Mohonk program, for here the movement has been always welcomed and cherished. This is the third season I have been privileged, as an officer of the American Committee, to outline the plans and progress of the celebration of a century of peace between English speaking nations.

It was a great day when on Christmas Eve, 1814, the Treaty of Ghent was signed, although that treaty settled not a single issue for which the war was fought. The treaty stopped the war and gave two Christian nations a chance to settle their

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differences, with deliberation and equity during the century that followed.

It was a greater day when in 1817, the Rush-Bagot Treaty was signed eliminating war fleets from the Great Lakes and demonstrating a sublime confidence between the two peoples. That was an accomplishment of a higher civilization and an act of progressive statesmanship.

The celebration of a Century of Peace on Christmas Eve, 1914, will be the greatest day of all, for it will be an international demonstration to all the world that two great nations have kept the peace for a hundred years and have justified their ability to keep it for a thousand years by settling their international differences by diplomacy, by joint commissions, and by judicial arbitration.

Almost all of the great writers and thinkers of the English speaking world refer to future wars between the United States and Great Britain as "unthinkable." This thought thoroughly instilled into the international mind and heart is one of the most hopeful signs of world progress, in fact it is an epoch in world history. It was this thought that inspired the founders of the proposed celebration of 1914-1915 and its gradual unfolding and universal acceptance has made the effort worth while.

In outlining some of our hopes for the celebration in 1910, even the most sanguine in our Committee hardly expected that by 1913 the celebration would be receiving world-wide attention from governments and peoples.

From this rostrum to-day representatives from both the American and the British delegations who participated in the international conference just closed in New York, will address you. These officials appear to-day fresh from the personal endorsement of the President of the United States and of His Majesty the King of England. It is a day for felicitations because of the auspicious beginning of a real program recommended by the international conference.

When, in 1910, Mr. John A. Stewart of New York organized the preliminary committee, few thought so much would be accomplished by 1913, but our American Committee has reached a membership of ten thousand, representing the best in the country. In addition to this England and all her English speaking Dominions have joined the movement, and representatives of many nations have cheered us with hearty messages of good will, expressing also a desire to co-operate in making the celebration a world event.

Our various sub-committees have been at work in their various fields and plans are now under way to carry out the celebration in a manner commensurate with its importance.

I wish here to record a list of the members of the Interna-

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tional Conference which met in New York from May 5th to 9th, 1913:

DELEGATES TO THE CONFERENCE

Municipality of Ghent

Mr. C. De Bruyne, Alderman; Mr. Alphonse Van Werveke.

Great Britain

The Right Honourable The Lord Weardale; Captain The Honourable Sir Arthur Lawley, G. C. I. E.; The Right Honourable The Earl Stanhope; The Right Honourable Sir Herbert Eustace Maxwell, P. C., L.L. D.; The Honourable Charles Thomas Mills, M. P.; The Honourable Neil Primrose, M. P.; Mr. Arthur Shirley Benn, M. P.; Mr. James Allen Baker, M. P.; Mr. Moreton Frewen, M. P.; Mr. Henry Vivian, M. P.; Mr. H. S. Perris, M. A.

Canada

Sir Edmund Walker, C. V. O., L.L. D.; The Hon. Raoul Dandurand, P. C., L.L. D.; Mr. Charles A. Magrath, M. P.; Mr. Travers Lewis, K. C., D.C. L.; Captain Charles Frederick Hamilton, M. A.

Australia

The Right Honourable Sir George Houstoun Reid, P. C., G. C. M. G., High Commissioner for Australia.

Newfoundland

Mr. Eugene H. Outerbridge.

United States

(a) Appointive Members

Honorary Chairman American Conference Committee, Joseph H. Choate.

Chairman, Alton B. Parker.

Robert Bacon, Boston; William Allen Butler, New York; Judge William L. Carpenter, Detroit; William A. Clark, Helena, Mont.; Henry Clews, New York; Chauncey M. Depew, New York; William J. Gaynor, New York; Hon. George Gray, Wilmington, Del.; Benedict J. Greenhut, New York; Howard D. Hadley, Plattsburg, N. Y.; Edward W. Hatch, New York; Bayard Henry, Philadelphia; Dr. John G. Hibben, Princeton, N. J.; Chester S. Lord, New York; Seth Low, New York; Robert C. Morris, New York; Henry Fairfield Osborn, New York; William Church Osborn, New York; Dallas B. Pratt, New York; James Brown Scott, Washington, D. C.; Bishop N. S. Thomas, Cheyenne, Wyo.; Col. Robert M. Thompson, Washington, D. C.; Ansley Wilcox, Buffalo.

(b) Members Ex-officio

Bernard N. Baker, Baltimore; George William Burleigh, New York; Nicholas Murray Butler, New York; Col. B. Cameron, Raleigh; Andrew Carnegie, New York; John D. Crimmins, New York; Charles Stewart Davidson, New York; William Curtis Demorest, New York; Dr. John H. Finley, New York; William D. Forbes, New York; Austin G. Fox, New York; E. R. L. Gould, New York; W. O. Hart, New Orleans; Job E. Hedges, New York; William B. Howland, New York; Andrew B. Humphrey, New York; George F. Kunz, New York; Francis Lynde Stetson, New York; Marcus M. Marks, New York; Thomas Nelson Page,

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Washington, D. C.; George Foster Peabody, New York; Calvin W. Rice, New York; Herman Ridder, New York; William Salomon, New York; Dr. Louis Livingston Seaman, New York; Isaac N. Seligman, New York; Albert Shaw, New York; William H. Short, New York; R. A. C. Smith, New York; T. Kennard Thomson, New York; Dr. James L. Tryon, Boston; Cornelius Vanderbilt, New York; James L. Wadling, New York; George T. Wilson, New York; George W. Perkins, New York.

(c) Honorary Members

William J. Bryan, Washington; Joseph H. Choate, New York; Lyman J. Gage, Point Loma, Cal.; Harry P. Judson, Chicago; Alton B. Parker, New York; Theodore Roosevelt, New York; John A. Stewart, Chairman (ex-officio).

PROGRAM ADOPTED BY THE INTERNATIONAL CONFERENCE NEW YORK, MAY 5-9, 1913

1. *Platform.*

The central idea for consideration is not only a program for the celebration of One Hundred Years of Peace, but a statement of purposes for the perpetuation of peace.

2. *International Monuments, Possibly of Identical Design.*

(a) To be erected in Great Britain, the United States and their dominions and possessions beyond the seas.

(b) The Committee to request their respective governments to defray the cost of these movements, or that the cost be defrayed in part from public funds or by private subscriptions.

(c) The foundation stones to be laid on the selected day, if possible by His Majesty, the King, in Great Britain, and by the President, in the United States, and by their representatives in their respective dominions and possessions over seas.

(d) In view of the good relations prevailing between the American and British peoples, and other nations, all foreign governments should be cordially invited to honor the more important of those occasions by an official representation.

(e) That at the time fixed for laying the foundation stones there should be a stoppage of five minutes from work throughout all the countries interested, to be occupied, where a public gathering or other assemblage is practicable, by the reading of the agreed inscription on international monuments.

(f) At the time fixed as stated, the work in all schools to be stopped, appropriate addresses to be delivered, and the two national anthems to be sung, followed by a half-holiday.

(g) A sub-committee should be appointed to ascertain what dates, arrangements, etc., are in the minds of the several countries, with power to determine them and to make

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them generally known. This duty to be assigned to any international committee which may be appointed to carry out the objects of the joint celebration.

3. *Educational Features of the Celebration.*

An organized endeavor should be made in British-American countries to promote, by well-considered methods, the growth of the feelings of mutual respect and good will which already happily exist. This might include:

(a) The endowment of Chairs of British-American History, with special reference to the peaceful progress and relations of the two peoples, and based upon the principle of an interchange of professors; and the endowment of traveling scholarships to enable journalists and writers to visit the various English-speaking countries.

(b) The awarding of prizes for essays and some other topics in all schools, colleges and universities.

(c) The co-operation of the respective committees in the preparation of a history of the Century of Peace from which text-books and school books in the several countries may be prepared or revised.

(d) An annual peace-day celebration in the schools.

4. *Universal Commemorative Tablets.*

5. *Universal Religious Services of Thanksgiving, to be Held on a Day to be Hereafter Selected.*

6. *Permanent Monuments.*

7. *The Cordial Approval of the Early Appointment of a Preparatory Committee as Recommended by the Last Hague Conference.*

8. *Celebration in Ghent, after Consultation with the Municipality.*

9. *An International Commemorative Medal.*

10. *The Conference Recommend that an International Committee May Be Appointed Through Action on the Part of the National Committee, with Power to Deal with Such Matters as May Be Referred to Them by the Several Countries Concerned.*

11. *Appeal for Co-operation.*

The success of the movement requires not only the cordial support of national governments, but also local governments, and municipal and religious bodies, as well as of those citizens seeking national methods for dealing with international problems. To that end, it is earnestly hoped that all will join in this movement.

HUMPHREY

12. *Manifesto to the Nations.*

The following manifesto was approved and issued:

"Representatives of Great Britain, of Newfoundland, of the United States, of the Dominion of Canada, of the Commonwealth of Australia, and of the Municipality of Ghent, having been in conference concerning an appropriate celebration of the centenary of the signing of the Treaty of Ghent, which marked the end of the last international war between the British and American peoples, unite in offering to the governments and the peoples of the civilized world an earnest invitation to take part in making this celebration in every way worthy of the one hundred years of peace that it commemorates.

"We invite such co-operation to the end that it may be made clear and unmistakable to public opinion everywhere that the time has come when international rivalries and differences, though numerous and severe, may be settled without the carnage and the horrors of war. Although it be unreasonable to disregard the possibility of conflict arising in the future, out of mutual or partial misunderstanding, yet we gratefully recognize that the chances of misunderstanding have been largely eliminated by the degree in which modern science has facilitated intercourse and accelerated communication. We are, therefore, encouraged to hope that the development of letters, science and the arts, of commerce, industry and finance, of mutual knowledge, trust and good feeling on the part of those who owe different allegiances and who speak different tongues, may profitably absorb the energy of mankind, as well as offer opportunity for the display of the noblest and finest traits of mind and of character.

"Great Britain has been a colonizing nation, and the United States has drawn to its population various and powerful elements from different countries and from different flags. Therefore, a century of peace between Great Britain and her dominions beyond the seas on the one hand, and the United States on the other hand, touches directly both the interest and the imagination of every land to which Great Britain's sons have gone, as well as those of every nation from which the present-day population of the United States has been drawn. Such a celebration will not only mark the close of a century of exceptional significance and importance, but it will call attention to an example and an ideal that we earnestly hope may be followed and pursued in the years to come. What nations have done nations can do.

"We respectfully request that His Majesty's Secretary of State for Foreign Affairs and the Secretary of State of the United States to transmit this invitation, through the

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proper official channels, to the governments of the world, to the end that both by the participation of governments and by the co-operation of men of good will in every land, this celebration may be so carried out as to mark not merely the close of one hundred years of peace between English speaking peoples, but the opening of what we sincerely trust will be a fresh era of peace and good will between all the nations of the world." (Applause.)

The above is substantially the program so far agreed upon between the representatives of the different countries in the Conference. The details of the program will be left to appropriate committees, but the essential features have already been agreed upon along the lines indicated.

The American and Canadian Committees, in joint session, agreed to recommend to their respective countries plans, in addition to erecting appropriate boundary monuments, to erect further memorials of appropriate design, such as an archway where the Miami to Quebec Boulevard crosses the boundary line near Rouse's Point in Northern New York, also a similar arch for the Los Angeles-Vancouver Boulevard where it crosses from the State of Washington to British Columbia.

In addition to these, a memorial bridge (or bridges) is contemplated across the Niagara River, and appropriate monuments on each side of the river at Detroit designated as "water-gates," with a possible highway tunnel under the river at that point connecting Windsor with the City of Detroit, and uniting the Canadian and American boulevard systems.

The Committees are also co-operating with the Good Roads Associations for correlating the various boulevards of the country, which will ultimately result in a complete belt line from Miami to Quebec, Montreal, Ottawa, Toronto, Buffalo, Detroit, Chicago, San Francisco, Los Angeles and eastward to the Miami Boulevard, through the Central states, crossing the Mississippi at Memphis. This project, while being conducted independently and without expense to the Committee, is a part of its program, believing that interchange in travel between states and nations contributes to good-will and makes for peace.

It is a subject for congratulation that during the three years' existence of our American Committee more has been accomplished than we anticipated, and we have met with hearty co-operation not only from the British Empire and the United States, but we are assured that many countries of the world will join us in celebrating not only an event between Great Britain and the United States, but a world epoch happily illuminating the glories of a hundred years of peace as illustrated by the desire, purpose and ability of these two great nations to settle their disputes by calm neighborly reason and without resort to force. (Applause.)

PERRIS

THE CHAIRMAN: Great Britain and the United States have set in this matter an example which is without any parallel in the history of the world, in maintaining for a hundred years contiguous boundaries of great extent without any fortifications on either boundary. These two nations have demonstrated that disarmament at boundaries is possible between nations that are as civilized as the United States and Great Britain; and there is still room for improvement on our side of the line. I have great pleasure in introducing the next speaker, Mr. HARRY S. PERRIS, of London, British Secretary of the British-American Peace Centenary Committee.

THE CENTURY OF PEACE—ITS SIGNIFICANCE FOR THE WORLD

ADDRESS OF MR. HARRY S. PERRIS

You know through the papers of the visit of the British delegation to this country, to meet and confer with the American and Canadian committees, and to arrange a program for what we hope will be a great and fruitful celebration, two years hence, of the hundred years of peace between the British and American peoples. I just wish to add to what Mr. Humphrey has said and on behalf of the whole British delegation, that the conference has been successful far beyond our expectation. We brought here various aspects of political opinion and points of view. Whatever those differences have been and may remain, they have at any rate for one or two weeks been reconciled and fused in the warm sunshine of the welcome which we have been privileged to enjoy in America. It has done us all no harm to hear peace principles enunciated boldly and as matter-of-fact by many of the most eminent men of your country, principles which some of us on the other side of the Atlantic give utterance to with bated breath and whispering humbleness. With us, in England, the battle is not yet won. You are in a different position from that in which we find ourselves. We are over against great military monarchies, whose fields are covered with great masses of armed men; whose borders are not like your border with Canada, free from fortresses, and your lakes free from squadrons of Dreadnoughts, but whose frontiers are covered with fortresses and echo to the tramp of legions of soldiers. We are in juxtaposition to the "armed peace" of the world. War is very near and present to us in the old country. So it is delightful to come here and hear your utterances of these great principles of peace.

Our object has been to reach an entirely unanimous agreement for a Celebration two years hence which I believe will make the sound of this great century of peace heard throughout the civilized world. No delegation ever comes on such business as this without meeting with criticism. We were told on landing that

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Ben Tillet had criticized us, and that the suffragettes had cabled a warning to you about our character. We were the recipients of some friendly advice from an eminent professor, whose name we all honor, lest our celebration should take too exclusively racial a turn, and we were quite prematurely unjustly condemned by Mr. Sutro for what he considered our anti-German bias. I mention these things only that you may know that we had them in mind before these gentlemen spoke.

If you will read the Address to the Nations which is going forth as the result of our Conference, you will see that we are out for no narrow racial celebration, but invite the whole world to come in. It is to be a festival of love and brotherhood. There is not one of us but feels that it is only proper and right that all the peoples of the earth should come and join us at that sacramental board.

Now, ladies and gentlemen, it seems to me there are some outstanding lessons which this Centenary Celebration will illustrate and illumine. And they are lessons which I think all the nations of the earth will do well to take to heart. In the first place, we give the greatest illustration that the world has ever seen of this truth, that the most impregnable defense of the frontiers of nations is the defense of mutual respect and good will. That is a great lesson, when one knows what the condition is in Europe, along the border between France and Germany, for instance. And though we have no land frontier in our own country, our seas are patrolled by great and costly squadrons of Dreadnoughts. When we see that for a hundred years this great frontier between Canada and the United States of America has been free from fortresses and its lakes free from battleships, we realize that the quiet process of peaceful evolution has been going on, and we believe that its results ought to be known by all the world.

When we began to arrange for this celebration I collected for the purpose of a meeting in London opinions from many eminent men in England and America, as to the meaning and importance of the event. One name which is rightly honored by all on this side of the Atlantic and by hundreds of thousands who know of it on our side is that of President Emeritus Eliot of Harvard. He wrote in answer to our request that, in his judgment, the outstanding feature of the hundred years of peace was that wonderful disarmament of the American-Canadian frontier. (Applause.)

When I came to draw up material for explanatory literature about the celebration in our own country, I was astounded to find that there was scarcely any mention of that fact in books in Great Britain. As to the Rush-Bagot agreement, I found no mention of it till I came across a little book issued by the Cambridge University Press and written by a Canadian. We are going to have our history books rewritten from a new and higher point of view than the old. We are going to dig out from the records

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of the past incidents like the Rush-Bagot agreement, which were too trifling for the historians of a generation ago to notice, but which now we are beginning to recognize as of the very first importance. If we take a long view of the history of civilization and of national pacification, more and more will such facts and incidents increase, and the mere records of court and camp will decrease. That I take to be the first outstanding lesson which this celebration will preach to the world.

The second will be that even in the case of questions of honor, and of the flag, these questions not only *can* be treated by arbitral methods, but *have* been so treated during the past century. The Maine boundary dispute, the Oregon boundary dispute, that dangerous crisis in the Civil War, the Alabama claims, the Behring Sea and other questions, would have led to bloody wars between people of the same blood, speech and religion; but for a hundred years we have confronted these questions and have successfully avoided any resort to arms. Let all the world know of that victory of peace. (Applause.)

Then again, note that it is not two nations of weaklings that are going to celebrate this centenary. It is two nations of very virile stock, foremost in wealth, strength and social and commercial progress. If it were two weak nations, some people might misjudge their intentions. But when the great British and American peoples join together to say that they have kept the peace for a hundred years, in spite of temptation to do the other thing, that is a message which sensible people the world over will understand, and not misunderstand. If we can do it, if people sprung from such ancestry as we are sprung from can accomplish that achievement through a hundred years, others can accomplish it too.

I will conclude with this one thought. I have mentioned that in history books the records of the achievements of war have had very long and prominent innings, and the time has come when the development of civilization, the growth of law and order should be given its due prominence. For by these things I understand the peace movement. It is the law and order movement; the growth and extension of law and order, ever moving on from smaller to larger areas, until it shall cover the whole world. All people of good-will in your country and in our country must, during the next two years, resolve that they will give a great and beautiful Celebration of this event. It is good politics and good policy to aggrandize peace and the victories of peace; and I want to see this great victory of peace aggrandized, illuminated, extolled, and explained in every way. A great thinker and a great patriot said that "great ideals make great peoples." Let us, as he bade us, baptize the nations. Let us portray to the nations the great ideals that have led to this centenary of peaceful accomplishment, achievement and victory, the first centenary of the victories of peace. Let us instil this idea into the minds of our

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children, in all our schools, and call the nations of the world to rejoice with us in this accomplishment. That will be a celebration free from the undertones of sorrow and grief and tears that accompany the celebration of the victories of war. The celebrations of the victories of war are loud and full of clamor. One sometimes thinks that their sound must reach down to the gates of hell. Our celebration will be free from these discordant notes. There will be in it no need to lament the stricken and the fallen. It will be a pure song of a pure victory, and I believe its music will mount to the throne of God. (Applause.)

THE CHAIRMAN: We have in this hundred years what might be well called in the terms of one of the great English authors, a realization of the ideal, and the subject naturally leads on to the next subject of our program, Anglo-American Diplomatic Relations, by Dr. JAMES M. CALLAHAN, Head of the Department of History and Political Science of the University of West Virginia.

A CENTURY OF ANGLO-AMERICAN DIPLOMATIC RELATIONS

ADDRESS OF JAMES MORTON CALLAHAN, PH.D.

The long Anglo-American peace inaugurated by the Treaty of Ghent is the more remarkable and significant because it has been maintained without costly fortifications or armaments, and in the face of a repeated friction and irritation arising from a long series of international problems—many of which were serious in their nature and difficult of solution or adjustment, sometimes even threatening actual collision.

With the close of the Anglo-American war of 1812 came the almost universal desire for peace. In England some wanted to send Wellington to America to direct a continuation of the war. In America, some still urged the conquest of Canada. But the larger number of thinking people received the news of peace with gladness. Jefferson wrote that Quebec and Halifax would have been taken, but that peace and reconciliation were better than conquest by war. It was a time for repression of passion rather than for the perpetuation of hatred.*

The leaders of the hour were men who had no interest to gain at the expense of public peace. They endeavored to cultivate an intelligent public sentiment. The elements which entered into their public actions will bear the close scrutiny of their critics. They consulted only the interests of the country and of humanity, and gave intelligent guidance to the fundamental good sense of the people.

By the treaty of Ghent, concluded amidst the festivities of Christmas eve in 1814, and ratified and proclaimed in the following February, the lake boundary and the Northwest were secured

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to the United States, and the gates of the temple of Janus were closed, leaving two kindred peoples to live under separate governments on opposite sides of the lakes. But continued peace could not be guaranteed by proclamation. There was no great danger of collision directly with the powers across the Atlantic; for, after the downfall of Napoleon, when Europe was mourning for her children, and when nature and art had been blighted and defaced by war, there was a reaction against the idea of future hostilities. But along the Canadian frontier, with rival navies recently built upon the lakes from which their removal to the sea was almost impossible, there was danger of future collision which might also endanger the peace between the United States and England.

While Jefferson was trying to "eradicate the war feeling which the newspapers had nourished," the authorities at Washington applied their minds to secure effective arrangements which would lessen the possible sources of future misunderstanding and accelerate the return of fraternal feeling and action. They saw that if the peace was merely to lead to a perpetual race in naval construction such a peace would only be temporary and expensive. This led to earnest solicitation, by the United States, to secure disarmament. The government of the United States had already begun this policy by dismantling or sinking vessels which had served their purpose under the gallant Perry, by suspending work on the large ship *New Orleans* on Lake Ontario, and by laying up all Champlain vessels at Whitehall. Why should society be burdened with the expense of keeping fleets which might thus become the masters instead of the servants of the people?

During the war each party had struggled to secure the control of the lakes. In the negotiations for peace, the British proposed that they should have military control of these waters in order to prevent the expense of rival armaments. This proposition of a "one-sided" disarmament probably suggested to the American commissioners the idea of making it mutual; but their instructions at that time did not permit them to make such an offer, as past conditions had made it appear necessary for the United States to keep a superiority of naval forces on the lakes. After the peace, however, it was clear that mutual disarmament was the only assurance against collision and against continued sources of misunderstanding.

The proposition of mutual disarmament, first suggested to Lord Castlereagh at London in January, 1816, was received with caution; but, later, when the precise nature of the proposed arrangement was submitted by Monroe to Mr. Bagot at Washington, Lord Castlereagh replied (in January, 1817) that the English government was ready to accede, and early in 1818 the reciprocal and definite reduction of the lake forces was made effective.

The agreement provided that all naval vessels excepting the

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four allowed under restriction as to size and duties should be forthwith dismantled, and that no other vessels of war should be built or armed upon the lakes. It was agreed, however, that either party could abrogate the agreement by giving six months' notice.

The work of dismantling or sinking, already begun by the United States on Erie and Ontario, was continued until only pieces of hulks were left as a reminder of the former warring fleet. The forces on each side declined to "almost complete disappearance." By 1825 public vessels had practically disappeared, both parties even disregarding the maintenance of the force which had been allowed by the agreement. A few years ago, Secretary John W. Foster, who was visiting at Sackett's Harbor, wrote me that the wormeaten hulks of some of the old vessels were still to be seen there.

Although peace existed in fact as well as in theory, there were many unsettled questions, some of which naturally became more important and more serious by the changes of time—influenced not only by development at the East but by the extension of virile peoples westward to the Pacific.

From the beginning of their international relations, England and the United States had resorted to international arbitration to determine the meaning and import of the words which they had used in their first treaty to express the rights of each party. After the close of the War of 1812—a war largely caused by the wars of Napoleon of France—the meaning and import of some of these words relating to boundaries were still unsettled, and they continued as a source of dispute between the nations for nearly thirty years.

There were also new sources of irritation resulting from the war, and from economic and political policies. Canada regarded the closed war as the expression of an American policy of territorial absorption which had long been apprehended by Canadian authorities. The Treaty of Ghent, without mention of the ostensible causes of the war, provided for arbitration of matters still in dispute. Among the most important subjects of disagreement or possible sources of friction were the ownership of some comparatively worthless islands in Passamaquoddy Bay, the northern boundary of Maine, the boundary through the lakes, claims for slaves carried by British war vessels during the war, other general claims, the use of the fisheries, questions relating to commerce with the British West India Islands, the restitution of territory taken during the war, and the northwest boundary. To these were later added the border troubles along the Maine boundary, the border troubles along the Niagara frontier at the time of the *Caroline* affair, the case of McLeod, trade relations with Canada, the use of Canadian canals, the

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operations of Confederates from Canada during the American Civil War, the connection of Canada with the *Alabama* claims dispute, the San Juan boundary, new phases of the fisheries dispute relating to the Atlantic coast, the Bering Sea seal fisheries, the Alaska boundary, the obstruction or diversion of boundary waterways, and the persistent question of reciprocity in trade relations.

Commercial relations, defined by a treaty of 1815, remained unsatisfactory until 1831 when the United States, after persistent efforts, obtained the privilege of trade with the British West Indies. Fishing rights were defined by a treaty of 1818, which also provided for joint occupation of distant Oregon until later provisions could be made for the adjustment of the boundary there. So, until new conditions produced the need of new adjustments, the people of each country fished together in the unsettled parts along Nova Scotia and hunted fur animals together in the unsettled territory bordering the Pacific coast north of the Columbia.

The Passamaquoddy question was settled in 1817 by actual agreement of two commissioners, one selected by the King of England and the other by the President of the United States. The Maine boundary question, on which the commissioners disagreed, was referred in 1827 to the King of Netherlands, whose decision in 1831 suited neither country, and was finally settled by the Webster-Ashburton Treaty of 1842 which each country regarded as a capitulation. The line of the northern boundary of the Louisiana Purchase was settled in 1818. The boundary through Lakes Ontario, Erie, and Huron was satisfactorily settled by two commissioners who met at Utica in 1822. The claim for slaves carried away, referred after 1818 to the Emperor of Russia, who made a compromise award, was later (1822) referred to four commissioners to determine the amount, and was finally terminated by the payment of a lump sum determined by the two governments. General claims of citizens of each country were submitted to arbitration by treaty of 1853, which provided two commissioners and an umpire or arbitrator chosen by them. The commissioners in 1854-55 settled all claims successfully, and entirely satisfactorily to everybody except some who lost.

Meantime, during the Canadian rebellion of 1837-38, the frontier line was threatened with lawless violations of neutrality which endangered the international peace. At Buffalo, which during the winter after the closing of the canal had a large floating population out of work, there was considerable sympathy for the insurgents who established themselves on Navy Island on the Canadian side of the Niagara just above the Falls. The *Caroline*, in which Americans carried supplies to the Island

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from the American shore, was seized at the wharf on the American side by a small British expedition. In connection with the capture, one American, Amos Durfee who loafed on the boat, was shot and left dead on the wharf. In death Amos received greater honors than he had ever received in life; and his remains, displayed on the piazza of the City Hall at Buffalo, threatened to lead the rabble into rash acts which might have led the nations into a great war. But, although his funeral was extensively advertised by a panorama of placards illustrated with coffins calculated to increase the evil influence of inflammatory speeches upon the excited multitude, the danger of intemperate action was counteracted by the disapprobation of a citizens' meeting and by the prompt action of the President, who sent General Scott to preserve order along the border. Although belligerent feeling was increased by the lack of tact exhibited by the Governor-General of Canada, and further aggravated by the controversy between New Brunswick and Maine over the disputed boundary, the danger of hostility gradually subsided without the necessity of adopting measures for the proposed increase of lake armaments and without the annulment of the agreement of 1817.

In 1842 the acquittal of Alexander McLeod, deputy sheriff of upper Canada, who on a visit to New York State had been arrested for the murder of Durfee, and tried at Utica, caused a rapid decrease in the temperature of the war fever, terminated a source of international embarrassment, and smoothed the way for friendly conferences between Webster and Ashburton, who both exerted the wisdom of diplomacy to prevent two great nations from breaking the peace of the world.

During the border feeling aggravated by the various controversies, authorities on each side began to inquire into the expediency of preparing an armed force for the lakes, but with the establishment of more satisfactory relations, the contemplated increase was regarded as unnecessary.

From 1815 for nearly four decades, during which fishery and boundary questions were also prominent subjects of discussion, Canada persistently solicited commercial reciprocity with the United States. Finally, after the repeal of the English corn laws in 1846 and the repeal of the navigation laws in 1849, she expressed a growing sentiment in favor of closer relations, commercial and political; and many, both in England and in America, seemed to consider that by her own consent she would ultimately be annexed to the United States. In 1850, certain Englishmen, interested in checking and diverting the trend of events, urged that the construction of Whitney's proposed railroad through the western part of the United States to the Pacific would result in the inevitable loss of Canada. Four years later

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(1854) a reciprocity treaty was negotiated with the expectation that it would result in the gradual, quiet, and peaceful settlement of the Canadian question by growth of close relations which would develop into annexation; but conditions were soon changed with the rise of a protective tariff movement in Canada under leaders who after 1859 affirmed the right of Canada to regulate her own tariffs without interference from England. In 1866, the reciprocity treaty was terminated by notice of the United States partly under the influence of a feeling of resentment originating in certain Confederate operations from Canada during the American Civil War.

At the close of the war certain American "Colonels," for effect, referred to the natural boundaries which "God Almighty had established" reaching to the Aurora Borealis on the North. But the vast armies were disbanded leaving irritating differences with England to be settled by diplomacy; and, although stump orators pandered to Anglophobia, the common sense of the people prevailed and prevented a plunge into disastrous war.

In the meantime, new conditions in the Pacific and west of Lake Superior threatened to complicate Anglo-American relations and finally induced the British government and upper Canada to take steps to secure confederation and consolidation of the British-American provinces in order to counteract the danger of American annexation of the West. The later American acquisition of Alaska, which was regarded as a counter movement against British-American consolidation, contributed much to stimulate a determined Anglo-Canadian policy to complete the scheme of confederation by including British Columbia and the northwest territory of the Hudson Bay Company, and by opening a trans-Canadian railway to the Pacific. The latter was conceived as a Canadian counter-movement to frustrate American influence in British Columbia.

In 1869-70, Irish Fenians with their green flag, threatened to complicate international relations by plans to invade Canada. In spite of the proclamation of the President, they persisted until their collections of money were exhausted and their intoxicated sentiment was sobered by a dawning consciousness of the seriousness of their project.

The Treaty of Washington, negotiated after the United States dropped her proposal for the withdrawal of Great Britain from Canada as a basis of the settlement of the Alabama claims, was a great landmark in the adjustment of international questions. It submitted to arbitration three disputed questions: *Alabama* claims, the San Juan boundary, and the Northwestern fisheries. It also contained several clauses which directly affected subsequent relations between Canada and the United States. It established agreements in regard to bonded transit, certain fea-

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tures of the coasting trade, the navigation of certain rivers and canals (including the Welland and St. Clair flats canals) as roads of commerce, and the use of the St. John river by American lumberman. It recognized the St. Lawrence as forever free, and gave to Canada the right to navigate Alaskan waters. It failed, however, to renew the principle of the reciprocity treaty, which was requested by the British-Canadians and declined by the Americans.

Following the treaty of Washington there was an improvement in good feeling. There was an increase of travel and visits across the border in each direction, producing a salutary effect in allaying misunderstandings and angry feelings. There was a growing wish that we might long be able to "settle our strifes with no deadlier ordnance than diplomacy and negotiations."

Although there was no necessity for border defenses, various controversies continued to arise at different times. Canadians complained because they did not get the free use of certain state canals which they supposed they had secured by the treaty of 1871. When Canadian authorities protested, the United States government replied that it had no control over state canals and could not compel states to act in the matter. Because in 1885 the United States refused to pass through the Sault Ste. Marie canal a Canadian vessel loaded with troops on their way to suppress the Riel rebellion, and because in 1892 President Harrison in order to retaliate for discriminating tolls on freights passed through this canal bound for Canadian ports, the Canadians were led to build a canal of their own on the upper side of the river.

Tariffs often ruffled the temper of the people on the border. Canada by various pilgrimages to Washington made persistent efforts to secure a renewal of the reciprocity treaty; but to these friendly advances the American government declined to respond with equal ardor, probably influenced largely in this policy of reserve by the fact that Canada possessed no treaty-making powers except through the British government. After 1873 the demand for protective duties became general among large classes of Canadian people. In the fall election of 1878 the protectionists were successful in Canada; and, at the next session of the Dominion Parliament, a tariff was enacted. Since that time, both countries have found occasion to complain of new tariff bills. The American Congress placed duties on coal, lobsters, eggs, etc.; Canadian legislation excluded American cattle, and laid a retaliatory tax on lobster cans. Americans responded to Canadian retaliation by threatening to stop the transmission of goods in bond, and by new tariff provisions. New tariffs thereafter continued to be a source of more or less irritation—

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sometimes obscuring the lessons which might have been learned even from the Canadian fish which hatched their young on the American side of the Lakes, or from the American birds which annually held a happy spring peace-conference at the edge of northern Canadian waters beyond the Arctic Circle.

Incidentally, it may be stated that complications of threatening relations have often been largely the result of the necessity of indirect negotiations through the mother country, thus taking the feeling of responsibility from Canada who complains that her interests have been sacrificed by British diplomacy. A former Canadian official, summarizing the history of treaties affecting Canada, once said: Like animals doomed to vivisection for the good of science, Canada has been unsparingly operated upon for the good of the Empire." After 1871 Sir John A. Macdonald said: "The American commissioners have found our English friends of so squeezable a nature that their audacity has grown beyond all bounds"; and many felt that British indifference to Canadian interests had in many instances encouraged the United States to assume "an aggressive policy against Canadian international rights and territorial sovereignty."

In 1887, the right of Canada to negotiate her own commercial treaties with foreign powers was conceded by Great Britain by a provision that negotiation of such treaties should be conducted by the British minister and the Canadian Envoy acting together and with equal powers. In 1890, the Canadian Dominion government, by its protest to the British Colonial office, prevented the execution of the Blaine-Bond reciprocity treaty between the United States and Newfoundland, and proceeded through the British minister at Washington, and later through Secretaries Foster and Blaine, to renew previous efforts to secure commercial reciprocity.

Some more recent questions may here be sketched very briefly. The Bering Sea controversy, arising in 1886, finally found a way for settlement by arbitration in 1893. There still remained several questions for international negotiations, including protection of fur seals, the fisheries, the Alaskan boundary, reciprocity, transit questions, alien labor laws, mining rights, and naval armaments on the lakes. An attempt to settle these questions was made in 1898-99 through a joint high commission, of which Lord Herschell was chairman, consisting of six members from each country. Although it practically reached an agreement on several subjects it made little progress on others (including reciprocity) and finally split and suffered shipwreck on the Alaska boundary on which the Canadian commissioners demanded a settlement before they would enter into any agreement on other questions.

Some one, perhaps with facetious intent, has explained the

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failure of this commission in contrast with the success of that of 1871 by stating that the latter contained only one Canadian and four English statesmen, while the former contained only one English and four Canadian statesmen. But the action of the Dominion members concerning Alaska does not seem strange to one familiar with the history of Americo-Canadian relations in regard to boundaries—a source of almost constant discussion, punctuated by bitter contentions, for over a century.

Fortunately, in the case of the Alaskan boundary a temporary adjustment was secured by a *modus vivendi* effected in 1899; and after long negotiations, the question was in 1903 submitted to the arbitration of a joint commission of six "impartial jurists of repute" (three Americans, one Englishman and two Canadians) who settled it by a decision which perhaps may be regarded as a reasonable compromise.

For several years, the North Atlantic coast fisheries threatened to disturb friendly commercial relations. The fishery agreement of the Treaty of Washington was terminated in 1885 by the required notice given by the United States in 1883, thus restoring the conditions existing under the treaty of 1818, and soon resulting in Canadian enforcement of irritating restrictions on the fishing grounds. In 1888, a *modus vivendi* was reached by an international commission (of three Englishmen and three Americans). This *vivendi* was continued both by Canada and by Newfoundland until the question was settled by The Hague tribunal in 1910, although Premier Bond of Newfoundland proposed to abrogate it after the failure of the Hay-Bond Treaty in 1905.

The chief remaining obstacles to friendly relations between Canada and the United States have recently been removed. Additional security for the future was made by the negotiation and ratification of an arbitration treaty in 1908, eleven years after the Senate had refused to approve a similar treaty. This treaty provides, with some restrictions, that differences of legal character, or relating to treaty differences which cannot be settled by diplomacy, shall be referred to the permanent court of arbitration established at The Hague in 1899.

The settlement of the various points at issue had a fortunate culmination in the recent settlement of the fishery dispute by The Hague award. In conformity with the provisions of the treaty of arbitration, negotiated in 1908, a special agreement of 1909 was arranged with the concurrence of the governments of Canada and Newfoundland, submitting to The Hague court of arbitration any questions relating to the fisheries of the North Atlantic coast arising under the treaty of 1818. The board appointed to consider the case contained six members of which one was the Chief Justice of Canada and another a Jus-

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tice of the United States Circuit Court of Appeals acting with an Austrian, a Dutchman, and an Argentine. The result seemed to satisfy both Canada and the United States, each of whom seemed to have won a victory. Sources of future dispute have been lessened by a Waterways Treaty of 1909 which provides for the establishment of an international joint commission of the United States and Canada (a miniature Hague tribunal) consisting of six members (three appointed by each government) to exercise jurisdiction in cases involving the use, obstruction or diversion of boundary waters, and with authority to inquire and report on other matters of difference along the frontier or to decide upon such questions which may be referred to it.

The question of trade relations between Canada and the United States remains unsettled. The efforts of the United States to remove certain difficulties, arising from the passage of the Payne-Aldrich tariff bill of 1909 by the American Congress, resulted in the appointment of a commission and the negotiation of an agreement (January, 1911) to secure restricted reciprocity by concurrent legislation at Washington and Ottawa. This agreement, which aimed at fuller and freer trade relations, and which after a sharp political struggle passed both houses of Congress, became the chief issue of a keenly fought campaign in Canada and was lost (September, 1911) by the overwhelming defeat of the Liberal Laurier government which had held power for fifteen years.

Although all cannot yet agree that it is reasonable to submit to judicial arbitrament "every international question, whether it be a question of money or of territory, or of national honor," great advances have been made in preparing the way for the settlement of all disputes by the peaceful method of arbitration, instead of by the rougher methods of club, knife, and projectile.

The century of peace along a boundary of 4,000 miles, the longest international boundary in the world, and with scarcely a fortification or stronghold except the homes of the people fortified with the spirit of religious and social sympathy and industrious self-reliance, was largely due to kinship felt by the two peoples who were descended largely from the same stock and had hundreds of years of history in common—the same heritage of language, laws, and social and political institutions.

If, with the many sources of irritation of the century of youth and vigorous westward movement, the two peoples could secure a peaceful adjustment of many serious questions by peaceful methods, and without the presence of rival navies on the great fresh-water seas, may we not reasonably assert that, with the maturity of experience, with their most serious prob-

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lems already adjusted, and under the influence of all the scientific and socializing improvements which have tended to eliminate misunderstandings and to facilitate and to accelerate friendly intercourse, they can continue relations of peace for another century, and longer? And may not their example of settling serious international rivalries and differences without the horrors of war attract attention as an ideal which should be followed and pursued by other nations in the future? To this end, it seems fitting to celebrate the centennial of peace, and especially that the celebration should take practical shape in the construction of a bridge across the chasm through which flows the Niagara, or in the publication of the history of Anglo-American international relations. (Applause.)

The CHAIRMAN: I am sure we are all surprised by the revelations of this instructive paper, to know against how many obstacles this international peace has been preserved through all these years.

We now have a few minutes for discussion.

REMARKS OF DR. ERNST RICHARD

PROFESSOR OF GERMANIC LANGUAGES, COLUMBIA UNIVERSITY

I intended to take no part in discussion, but utterances by two Germans in the United States, referred to by Mr. Perris, move me to bear witness that those men do not represent the majority of German feeling in this country. I do not find particular fault with Professor Munsterberg. He gives everything in good faith. He does not speak of his own feeling but of others. However, I think Professor Munsterberg, whom I highly esteem as the great man that he is, does not do what Dr. Hale used to call "rub shoulders with the people." He is not in touch with the general sentiment. But as to the other gentleman, Mr. Sutro, I rather would not say very much. I feel somewhat ashamed to be obliged to make explanation in his case. I think he had no right to say what he did. I refer to only one of his statements to characterize his spirit. In a sneering way he referred to the hundred years of peace between American and English people, saying it was a shame it was only a hundred years that they were at peace. He forgot that it is not fifty years since Germans shed German blood on the battlefields. But you must remember it is the exceptional utterances and events that are published in the newspapers. It is true we have many anglomaniacs in this country; but I think that for every anglomaniac we have two anglophobes. Between these extremes are the healthy-minded people who are neither one nor the other. These are the good Americans, and to these belong the great majority of Germans who look upon this coming celebration with great satisfaction. On my way to

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St. Louis I made it a point to speak with the German-Americans and to learn what they thought of these utterances, and they all used the same expression, using an old Germanic word which is the same in English and German. They called it "shabby." And that is what I call it. But let us not be satisfied with the Anglo-Saxon peace. Don't forget that we all come from the same fatherland. The difference between the English-Americans and the German-Americans is simply this: when we went through the English Channel we stopped there perhaps ten or fifteen hours on the island, and our English-American friends stopped there fifteen centuries. Together with the Anglo-Saxon peace let us prepare for the Germanic peace; let us take in the Dutch and the Scandinavians and let us form the great union that Bjornston Bjornson saw coming. But we will not stop at Anglo-Saxon peace, nor at Germanic peace. Let these be only steps toward human peace, the peace of the world! (Applause.)

THE CHAIRMAN: If there is no further discussion, the Conference stands adjourned until eight o'clock this evening.

Second Session

Wednesday Evening, May 14, 1913

MR. SMILEY: It is not permitted me to say that one member of this Conference is more welcome than another. If it were so permitted, I would gladly give greeting especially warm to those who have come from beyond the border of our United States. Among them is one, loved and honored in England, in Germany and on both sides of the Great Lakes in America for his kindness of heart, his power of leading men to perform good deeds, and for his great interest in the world's peace. I am happy to present as the presiding officer this evening our genial friend, and a member of the English Parliament, Mr. JOSEPH ALLEN BAKER, of London. (Applause.)

SOME GREAT INFLUENCES FOR INTERNATIONAL PEACE

ADDRESS OF J. ALLEN BAKER, M. P.

I feel in my own mind that the great message of the moment for the peace worker is the subject that has brought the English-speaking peoples, through their representatives, together at this time to celebrate this hundred years of peace preserved largely through a mutual agreement to disarm. I lay special stress on these last few words, because what we want to bring before the world is the fact that the statesmen of a hundred years ago had the courage and the wisdom and the high statesmanship to see that if they had fortifications along the boundary and battleships on the Great Lakes, they were likely to have conflicts. Here I want to say how much personally I appreciate the lead that the United States gave in this great movement. It was your President Jefferson who first mentioned and Madison who later proposed the disarmament that led to the Rush-Bagot agreement which I believe was completed by your President Monroe. The proposition came from the United States, and we had a statesman in our foreign office large enough in his conception of what statesmanship should be to accept your proposal, and the Rush-Bagot agreement of 1817 was brought into effect. We hope it may be an object lesson to the other nations. I believe that before the celebration takes place, it will have made such an im-

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pression upon other nations of the world that they will say: "Here is an example that the highest statesmanship might follow with great profit."

I am firmly convinced that the time is opportune for this forward movement. Europe is an armed camp. Five million men are under arms and twenty-five million more ready in case of need—thirty million men, supported by the labor and industry of the people, ready to fly at each others' throats in an attempt to settle questions which should only be settled by courts of justice or by arbitration on lines of truth and righteousness! I believe there is an uneasiness on the part of rulers and governments, and that at this moment there is a disposition to listen to such proposals as that just made by the President of the United States through your Secretary of State, Mr. Bryan. I am very hopeful that the great nations, now armed to such an extent, will be ready, if this proposition is put before them in accordance with the traditions of Mohonk and of your government, which has taken such a leading part in the Conferences at The Hague, to give it favorable consideration.

Mr. Ginn this morning referred in a very striking way to the duties of the church, and other organizations, to take up this work of international brotherhood and peace. I am glad to report that the work which has appealed to me most strongly and to which I have felt called upon to give my best energies, has during the last year or so met with very great success. I refer to the work of the Associated Councils of the British and German Empires for fostering friendly relations between those two peoples. It was started in 1908 and has been growing steadily ever since. We have over ten thousand of the leading ministers and religious leaders, and a considerable number of laymen in hearty accord and supporting this cause. We have a list of vice-presidents that I believe is more representative than any other committee that has been formed in Great Britain, with the Archbishop of Canterbury at our head, with Cardinal Bourne, a leader of the Roman Catholic Church, as vice-president, also the Bishops of the Church of England and a hundred members of the House of Commons and the House of Lords, making about two hundred and sixty most representative men in religion and statesmanship. These have joined as vice-presidents, and over ten thousand others throughout the country have joined as members. A month ago we asked the Canadians to form a branch council and we have received a most remarkable response. One hundred and twenty have become vice-presidents, five of them lieutenant-governors, archbishops and bishops. A thousand of the clergy and leading laymen of Canada have already sent in their names. In Germany we have a most representative council of leading Germans, numbering about four thousand, some of the highest in the land. We are co-operating with churches in Germany to

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foster friendship and brotherhood and peace between those great Teutonic peoples and ourselves. And we have many assurances of the splendid influence of our work. During the stress and strain of a year or so ago in Morocco, when there was fear that there might be an outbreak, we were in correspondence, and visits were made. The heads of governments were seen and many things that would have been misunderstood were cleared up. Since that time a better feeling and a better understanding has been growing between our two peoples. To-day, I am perfectly sure that a condition of friendship exists which it would take a very great deal to disturb or destroy. (Applause.)

I am glad to know that a real forward movement in regard to this matter is now being felt by the churches of America. I have just had placed in my hands by my friend Dr. Lynch some data of a new church peace league to which I understand in the last few weeks more than a thousand people have given their adherence. Besides enlisting ministers and religious workers in the growing movement of international peace, they have also definitely before them the thought of co-operation with similar leagues in Great Britain and Germany, frequent conferences with officers of those leagues, and exchange of British and German preachers with America. How heartily we shall welcome their co-operation. If we can get the hearty co-operation of the leaders of religious thought and the rank and file of those who profess to be followers of the Prince of Peace in the great countries, war will be impossible between any of them.

To-day you welcome with great heartiness a representative of another country who comes to speak to us of Christianity and the peace movement, representing the great Austrian Empire,—Canon Dr. Alexander Giesswein. I am glad he belongs to the Roman Catholic Church, because there is nothing more hopeful than the fact that in this great movement Catholics and Protestants may heartily unite. (Applause.) At the official banquet held Friday evening at the Astor House in New York, Mr. Choate read a most remarkable letter from Cardinal Gibbons, expressing his entire and most cordial agreement with our mission.

I am reminded in thinking of Mr. Albert K. Smiley, for whom that beautiful memorial service was held this afternoon, of a passage that truly characterizes his work and character. He was a man of strong faith, a man who believed in the power and efficacy of prayer, and no words could apply more suitably to him than those in Genesis 32:28, "For as a prince hast thou power with God and with men, and hast prevailed." That great vision that came before him of the work to be done in gathering the peoples together to ameliorate the conditions of mankind and of great races in your own land, he carried out with a single eye and a strong faith. God has blessed his work and many of us here can testify to its efficacy and power. (Applause.)

GIESSWEIN

THE CHAIRMAN: I have very much pleasure in calling upon Canon Dr. ALEXANDER GIESSWEIN, of Budapest, Member of the Hungarian Parliament, Canon of the Diocese of Gror, and President of the Hungarian Peace Society. (Applause.)

CHRISTIANITY AND THE PEACE MOVEMENT

ADDRESS OF RT. REV. CANON ALEXANDER GIESSWEIN, D.D.

Before going to my proper task, I have some duties to perform. These are not only my thanksgiving for the kind invitation of Mr. and Mrs. Smiley to come to this Conference, which is growing in international importance, but also to transmit the greetings of the Hungarian Peace Society. Doing so, I use the words of a many-thousand-years-old Oriental manner of greeting, sanctified also by our Lord. In these words: "Peace be with you," is indeed a much deeper meaning than in the usual "Good morning" or "Good evening," or the "Mahlzeit" of the Germans. (Applause.)

Human feeling, I suppose, has been in all times in favor of peace. The legends of all peoples begin with the golden age of justice and peace, and not of bloodshed and fratricide. But it is our era of scientific inquiry which has given to this endeavor and striving of the human heart towards peace an unquestionable basis of sociological truth. Where brain and heart agree, there can be no more doubt. And, I may say, this agreement of reason and religious sentiment is the most perfect on this subject. But the striving for peace, either considered from the religious or the sociological point of view, must have a true ethical fundament: otherwise it would be only an empty phrase.

Both the scientific and the religious struggle against war must be founded on psychological aspects. War and peace, quite as much as disease and health, have their aetiology. And as in human organism physical, physiological and psychological reasons may influence the condition of the body, so in the social organism of tribes, nations, states, not only the economical but in many instances the ethical condition is the determining factor of disease and health. Now war is a disease of human society. And if we inquire after the cause of this economical and moral disease we find, easily, that it is the lack of justice.

According to Greek mythology, Eirene (Peace) is the daughter of Themis. (Justice). I do not know whether this genealogy is the product of Greek folklore or an artificial fabrication of later mythologists, but certainly a great deal of psychological truth is hidden in it. Peace arises where justice is observed and by social institutions secured. Righteousness and peace have kissed each other. In the saying of the Psalmist (85:10) is the expression of the same truth in a higher way of consideration.

In the same way, the prophets of Israel expect from righteous-

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ness and judgment the establishment of true peace. "Behold a King shall reign in righteousness and princes shall rule in judgment * * * and the work of righteousness shall be peace: and the effect of righteousness, quietness and assurance for ever." (Is. 32, 1:17.)

The same Isaiah, and also Micah, speaking about the reign of the King of Peace, describe the reign of the Messiah in the following way: "And he shall *judge* among the nations and shall rebuke many people; and they shall beat their swords into plowshares and their spears into pruning hooks: nation shall not lift up sword against nation, neither shall they learn war any more."

Now it is sometimes objected that Christ did not bring us true peace—because after Him men were quite as warlike as before—and it has even been alleged that Christ was saying: "Think not that I am come to send peace on earth. I came not to send peace, but a sword." Now whoever is a reader not only of the letter but of the spirit of the Gospel knows that the sword of Christ is not the wrathful Viking iron, but the sword of the spirit, which is the Word of God, that is, the word of justice, truth and righteousness. This word of God is quick and powerful and sharper than any two-edged sword. And we know also that the fire he sent on the earth is not the fire of destruction but has been kindled to the purification and sanctification of souls. Indeed, a new spirit among nations has been introduced by the Gospel, establishing and corroborating the brotherhood of mankind. International law, which is one of the great problems of our era, could never be dreamt upon, had there not been the idea of a brotherhood of all nations and races. The Romans of old had also a kind of international union, but only within the boundaries of the empire; all within these boundaries could partake of Roman citizenship, but all without these boundaries, if not favorites, were considered as born enemies of the empire.

Schucking, in his book on the work of The Hague, asserts that The Hague Conferences opened a new era in human history. Indeed, this work has been a great step toward the organization of civilized mankind, but it was not the first step in this direction.

A new perspective of history has been properly introduced by Christianity, and we may join the German historiographer Beernheim in his assertion that the first universal history was the City of God of St. Augustin, because there appears at first, in a historical work, the Christian idea of the *oneness* of mankind. Therefore, if Lawrence, speaking in his work on international law about the grand vision of Henry IV and the pacifistic ideas of James Mill, William Penn, Rousseau, Kant, adds: "They dreamed dreams; we are confronted by reality," I may say he is not quite exact, because the truth of the Gospel on the oneness of mankind and duties of justice and charity, and in the same way the philosophical ideas of later times are unquestionably *realities*,

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quite as blossoms are a reality, which must at all events precede the ripening fruit. If there is no blossom, there shall be never any fruit.

The federation of the world has been effectuated and is to be yet more effectuated by the Christian idea of brotherhood. This federation of the world is—using the words of Mr. Hull, author of "The Two Hague Conferences"—very far indeed from the ideal of a world empire, which was realized by Caesar and attempted by Napoleon. It is also very far from the particularist ideal of absolute and isolated autonomy on the part of each nation, which has been found to be, both in the Orient and Occident, as undesirable as it is impossible. The golden mean between these two extremes which this federation of the world has begun to represent, is well expressed by M. de Martens of Russia in his closing address to Commission IV of the Second Hague Conference.

"If we deserve any credit," he said,—and his statement was received with unanimous applause—"for the elaboration of approved projects, it is by grace only of the conviction which inspires all of us without exception, that the days of an isolated life and of separation between the nations have passed away forever, that nations must make mutual concessions to each other, and that only in this essential condition can the organization of the new international and common life become a great blessing to all. This is the mistress idea of all our labors, and this is the keystone of the edifice of law and justice, whose cornerstone was recently laid."

A delegate of the United States, Mr. James Brown Scott, says in his valuable work on The Hague Conferences:

"The very existence of the conference is a demonstration of the oneness of mankind."

And, alluding to the projects of politicians and philosophers of older times (Sully, Saint-Pierre, Bentham, Kant), he continues:

"It seems, the foundations are laid for an international organization. It depends on public opinion to rear the structure."

Yes, the foundations are laid, and they are yet deeper, they are laid in the knowledge that all peoples should be fellow-heirs, and of the same body, and partakers of His (the Spirit's) promise in Christ by the Gospel." (Eph. 3, 6.)

And this knowledge must permeate the public opinion of all peoples. And it must be the task of all churches to rear, corroborate and extend public opinion, so that it may expand over all the civilized world, complexing all races, so that the spread of this idea should be the very measure of civilization. (Applause.)

Yet our pacifistic propaganda cannot be one-sided. It is by no means sufficient to propagate ideas of peace and brotherhood. War is a social, moral, and I may assert that in our day it is also

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an economical disease, and diseases cannot be cured only by speaking on the benefits of health. (Applause.) The true pacifistic propaganda must prepare the idea of international and social justice; it must give a remedy for war. All peace in family, tribal and national life has been introduced by laws securing the honor and safety of the individual, family and nation. Without sanctioned courts of justice and judicial institutions, all striving for social order is vain effort. Where these institutions are defective, there self-judgment prevails. If there is no law and tribunal to do justice between man and man, the vendetta (revenge and bloodshed) is called upon, and though this is quite strange and repulsive to our moral conceptions, it was, and still is partly, a necessary social institution in primitive society.

We know that even in the Mosaic law with regard to the nomadic character of the children of Israel, this kind of self-judgment existed in the institution of the redeemer of blood (Zoel Haddam), not only allowed but even prescribed as a duty for the kinsmen of the killed. If in our modern eyes this seems a very barbarous institution, we must consider that for those primitive times and manners, it was nevertheless a step onward, the sword of Damocles of the legalized vendetta being a means of securing personal safety.

In the Middle Ages, the safety of property could only be secured by feuds and by the force of the sword. The knights of the tenth and eleventh centuries were engaged in continual private wars and quarrels; they fought for their presumptive or real rights to property or honor, as to-day we defend or look for our rights and titles by processes of law. The synods of the church insisted on the cessation of the hostilities of these enduring private wars, and finally succeeded in establishing the *Frenga Dei*—a truce for half of the week. This was but a preparation for legal order, and this legal order put an end to these continual disturbing struggles. It was at this time that peoples were unified in a body, and the idea of national solidarity began to arise.

In the Middle Ages, the cities of Italy were, for economical reasons, in warfare, so Siena against Pisa, Pisa against Firenze. To-day this is an impossibility; a war of city against city would be unthinkable. The economical and social progress of these cities suppose an *Italia unita*, and in the same way the material and economical, no less than the ethical, progress of our modern nations postulates a united Europe. The nations, not only of Europe, but of the whole civilized world, must be aware of their common interests in both the economical and the ethical order. And Christianity has here, in our day, a great mission to fulfil, by inculcating in all men the idea of brotherhood, the community of ethical, social and economical interests and progress.

Now this country, the guest of which I have the pleasure to be, with its wonderful progress in commerce, industry, social and

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ethical institutions, may be a pattern of the unifying spirit demanded by our times. We, members of the European nations, may all claim some relationship with the great nation of the United States. Dutch, French, English, Scotch, Irish emigrants settled here in the beginning; afterwards they were relieved by Germans, Hungarians, Scandinavians, Lithuanians, Russians, Slavs, Italians, and so forth, coming across the great water in search of a new home, of labor, prosperity and liberty, and they all become here members of the same great nation. Why should they be boon enemies in Europe? Why must Germans and Frenchmen, Russians and Poles, peoples of the German, Slavish, Roman and Finnish or Magyarish family be reared up and educated, it is said for the sake of patriotism, to hate each other? We shall be far from touching the national character of European nations. In Europe they ought to conserve their national individuality, their customs, traditions and language. But all kind of progress postulates to-day some kind of internationalism, which is in no way contrary to true national feeling, but rather its accomplishment.

Perhaps it may be asserted that the great American nation has its means to link together in a common citizenship the descendants of very different nations,—and these means are the common national feeling and the common use of the English language.

Now it is true the peoples of Europe must and shall conserve their own language, but in recent times great progress has been made by the introduction of an international artificial language, and the Esperanto movement, gaining from day to day, may facilitate the international intercourse and exchange of ideas between all peoples of the world.

A few days ago I had the pleasure of attending a festival of peace,—I mean the banquet given on May 9th by the American Committee for the Celebration of the One Hundredth Anniversary of Peace among English-speaking Peoples, and besides the eloquent speeches we were delighted to hear on that occasion, we listened also to the written words of a highly minded man, Cardinal Gibbons, and I am sure his magnificent letter on the Christian duty of working for peace will not be confined to this country or to English-speaking peoples. I hope that its spirit may permeate all churches, all churchmen and all Christians, that they may be apostles of brotherhood, of social and international justice, and with these lay the foundations of unperturbed peace. (Applause.)

The nineteenth century succeeded in realizing, after many struggles and much bloodshed, a true Christian idea, the idea of freedom in abolishing slavery. To the twentieth century seems to be reserved the realization of this other Christian idea of brotherhood; and it is therefore the duty of every Christian to be under the flag of the Prince of Peace, who is at the same

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time the author of justice and the supreme teacher of brotherhood. (Applause.)

The CHAIRMAN: The next speaker is Mr. HENRI BOURASSA of Montreal, Canada, Member of the Quebec Legislature and Editor of *Le Devoir*.

THE POSSIBLE ACTION OF CANADA IN THE CAUSE OF INTERNATIONAL ARBITRATION

ADDRESS OF M. HENRI BOURASSA

Up to the present hour, Canada, a mere dependency of Great Britain, endowed with a large measure of internal self-government, but deprived of all the powers and responsibilities of state, has played no part in the world of international politics.

The constant evolution of the principles and powers of government in the British Empire, and the growth in population and wealth of the great dependencies of Great Britain, are rapidly bringing us to the day when Canada and the other self-governing British communities will have to assume the responsibilities of manhood, either as independent nations or as real partners of Great Britain in some new form of federated association.

In either case, Canada, with her immense territory and superabundant natural resources, which are already attracting a yearly growing number of settlers from all countries of northern and central Europe, with her exceptional advantages for cheap and rapid communication with Europe,—Canada is bound to play an important part in the affairs of the world; and that part ought to be favorable to the cause of peace and good will among nations.

No existing community of white men will enter the state of nationhood with less causes—past, present or future, historical or economical, accidental or permanent—of quarrels with the outside world, with keener motives, both moral and material, to be at peace and to see peace prevail in the world.

The geographical position and economic conditions of Canada are such that she has a deep and growing interest in the preservation of peace, not only on the continent of which she forms an important part, but on the two oceans bordering her shores and giving her communication with Europe and Asia.

The peculiar configuration of the country, practically cut into three distinct regions by the barren tableland north of Lake Superior and the lofty chain of the Rockies, make it of vital importance to Canadian trade that the sea routes of both oceans remain uninterrupted, and the free transit on rail, between Canada and the United States, unhampered.

That inconvenience cannot be overcome by sea communica-

tions around the north shores of Canada, such as the United States are on the point of creating through the Panama Canal. May I interject here that from the viewpoint of peace and justice, Canada will thus be spared the temptation of protecting her own interest at the expense of international equity?

Besides, the farming and manufacturing industries of Canada, the development of her vast natural resources, the completion of her transportation facilities, will demand, for many years to come, an enormous importation of capital. There is not an industry in Canada which is not directly or indirectly indebted to foreign investors. For years, those investments were practically confined to British capital. For various causes, which need not be indicated or analyzed here, British money-lenders are getting to be rather close-fisted; but foreign capital is pouring in, from the United States especially, also from France, Belgium, and even Germany. Canadian borrowers are fully aware—and they feel it keenly at this very moment—that, in time of war, or during periods when war is simply apprehended, money is more difficult to obtain, a higher interest or discount rate has to be paid, loans on short call are withdrawn; so that, if the period of strain lasts, the financial status of the borrowing country, though at peace, is disturbed nearly as much as that of the country at war.

Apart from those purely economical causes, Canada has, in her political conditions, in her ethnical composition and historical traditions, numerous and powerful motives to stand by the cause of peace and arbitration.

Although British by her political allegiance and constitution, largely English-speaking—though more so in appearance than in fact—and Protestant in majority, Canada is in reality a conglomeration of white men from various European countries, and will likely preserve that composite character.

First among the non-British elements come the French Canadians, the pioneers of the country. By a curious train of circumstances, they have been the most constant and faithful upholders of British institutions; they have resisted all plans and tendencies favorable to the annexation of the country by the United States; while preserving jealously their racial characteristics, they have put no obstacle in the development of a broad and thoroughly Canadian nationality, of which they are, in fact, the real founders.

In the field of international affairs, they are sure to be found on the side of peace and arbitration. They are, at the present time, the staunchest opponents of the movement on foot to drag Canada in the vortex of European quarrels and rivalries. Although they have renounced long ago all idea of a political connection with France, they have kept for that country whence

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they draw the food for their intellectual nourishment, a sentimental attachment which makes them view with favor all tendencies to maintain a good *entente* between Great Britain and France. This implies in their mind no spirit of animosity against Germany, because the actual causes of bitterness and rancor between modern France and the new Teutonic Empire are all posterior, by many years, to their complete secession from the country of their origin.

Of course, in spite of their steady progress in numbers, education and wealth, the relative importance of the French, as a national factor, decreases gradually with the growing invasion of foreign elements, coming either from English-speaking countries or from Germany, Scandinavia and Slavonic Europe.

Immigration is likely to be *the* problem of Canada. Various causes, which need not be analyzed here, tend to make the assimilation of foreigners slower in Canada than it has been in the United States. This is not the occasion to dwell on the advantages or inconveniences which may result to Canada, as a nation, from the resistance of those new cosmopolitan strata to the pressure of assimilation. But as a factor in the framing of a public opinion favorable to international peace and arbitration, it is decidedly advantageous and powerful.

Most of those foreigners—and this applies also to a certain extent to the people of the British Isles—have come to Canada largely because they were given to understand that Canada is a country where peace, order, and liberty prevail, a country free from the entanglements of international rivalries, with their dreadful sequel of conscription, of military and naval budgets, of heavy taxation, of the burdens of armed peace and the horrors of war. They can easily be enrolled in the ranks of the persistent opponents of military imperialism and blatant jingoism.

The longer the non-British preserve their ethnical characteristics, the better disposed they will be to accept and uphold the principles of arbitration, which would lessen if not altogether suppress the causes of conflict between their native lands and Great Britain. They will also view with favor any movement to assert the right of Canada to remain neutral in British wars not directly connected with the interests and safety of Canada,—in those wars especially in which their fatherlands may be drawn.

If that doctrine of colonial neutrality, which was practically acknowledged by Great Britain fifty years ago, finally prevailed over the new imperialistic tendencies, even before Canada could assert it as a nation or a co-partner of Great Britain, it would have a beneficent and far-reaching influence upon the councils of Great Britain. It might, for example, induce the British

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Government to change their views with regard to the proposal made by Mr. Choate, in the name of the United States, at The Hague Conference in 1907, to abolish the practice of piracy on sea in time of war,—which proposal, though approved by two-thirds of the delegates present, was left in suspense principally on account of the opposition raised by the representatives of Great Britain. Let us hope that the next Conference will see the same proposition renewed, accepted by Great Britain, and put into practice by all maritime powers. Its adoption would free Canada from even the semblance of a pretence to enter into the dangerous game of naval armaments, either on her own account or as a contributor to the British naval organization.

The most important factor, perhaps, in the education of Canada as an upholder of peace and arbitration lies in her long preliminary stage as a dependency. Viewed from that angle, the state of colonial subjection and irresponsibility, detrimental as it has been to the intellectual and material development of Canada, may have a marked and beneficent effect on her future course, either as an independent nation or as a powerful partner in a British Confederacy.

On her own account, Canada has had no quarrel with any one. She has no conquest to answer for, no wound to heal, no grudge to satisfy, no claim to adjust, either subjectively or objectively. For many years to come, she will have no need of colonies, no shadow of a pretence to covet new territory—not even the “pious” desire of conquering, stealing, bullying or killing “inferior races,” in order to inculcate in them the tenets and habits of a “superior civilization.” The great “Christian” powers have hardly left her any chance of entering that field of “education” and “improvement” of assuming her share of the “white man’s burden.”

Once the safety of trade secured on sea, there remains in the world but one country with which Canada can be in trouble: the United States.

May I devote the latter part of these remarks to a brief consideration of what the relations of Canada with the United States have been in the past, what they are at present, and what they should be in the future?

In fact, this is the root of my subject. The general state of international unrest is nothing, after all, but the transmission, through the ramification of international rivalries and alliances, of some local points of friction between individual States. The part that Canada will be called upon to play in the game of international politics will depend mainly upon her relations with her powerful and sole neighbor, the United States of America.

Elaborate preparations are just being made to commemorate

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the century of continuous peace between the two great English-speaking nations. The object is undoubtedly worthy of recognition and mutual congratulation. I hope it will not be considered ungracious if I recall the fact that, although war has not been actually declared between Great Britain and the United States, there have been, during those hundred years, long periods of strained relations, and, on several occasions, serious and acute causes of misunderstanding which brought the two countries to the verge of armed conflict. The most practical manner of celebrating that centenary of peace would undoubtedly be the adoption of measures and the propounding of sentiments, in both countries, most likely to eradicate all possible causes of dissension. Foremost among those measures should be the solemn pledge to resort to arbitration in all present and future cases in dispute. Naturally, that pledge should be mutually sincere, and resorted to even when sordid interests or jingoistic clamors may try to raise obstacles and trouble.

But the main object I have in view, in recalling the past instances of strained relations between Great Britain and the United States, is to point out that in none of those instances was Canada involved, directly or indirectly. More than that, Canada was not concerned in either of the two bloody conflicts which were terminated, the first by the Treaty of Versailles, in 1783, the other by the Peace of Ghent, in 1814.

The protracted struggle which culminated in the self-creation of the American Republic arose from the resistance offered by the English colonists to the pretension of the British authorities to tax them without their consent or participation. Although we, Canadians, resisted the temptation to join hands with the "rebels," we continued the same struggle, by more pacific methods, and finally secured the acknowledgment by Great Britain of the principle for which the founders of the American Republic had fought.

The war of 1812-13 was due to the persistency with which Great Britain exercised on American vessels the so-called right of visit. Although they stood loyally by Great Britain on the battlefield, Canadians had no sympathy with and no part in the cause of the war.

The agitation raised in the United States over the delimitation of the northern boundary of the Western States—the "fifty four forty or fight" war cry of the Clay-Polk electoral contest, in 1844—took place long before Canada had possession and control of the territory in dispute.

During the protracted Civil War, the sympathies of the Canadian people were much more divided than the sentiments of the British. With the *Trent* incident and the raids of the *Alabama*, they had nothing to do.

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The Fenian incursions across the frontiers of Canada were a repercussion of the thorny problem of the British rule in Ireland—a matter entirely foreign to Canada.

With the Venezuela incident, Canada, of course, had nothing to do.

The latest dispute, on the determination of the Alaska boundary, was finally settled in a manner not altogether acceptable to many Canadians; but the settlement being the result of an agreement concluded between the governments of Great Britain and the United States, over the head of Canadian authorities, it could hardly be called a bone of contention between Canada and the United States.

In no instance whatever has Canada brought Great Britain in clash with the United States. She has never caused even the slightest degree of trouble or estrangement between the two countries.

This is peculiarly remarkable in view of the fact that Canada is the part of the British Empire most closely connected with the United States,—the two countries being divided by an imaginary line, much over four thousand miles long (counting the boundary of Alaska).

Of course, it would be puerile to pretend that the relations between the two countries have always remained *au même diapason*. There were occasions when the smaller nation thought that the bigger one had a slight disposition to bully her. Naturally, demagogues, politicians, panic-mongers, flag-wavers, and various other species of dealers in cheap patriotism, have not failed, at times, to hit hard at the "Yankee"—just as, at the other extremity of the field of politics, disappointed politicians or despondent thinkers have occasionally fallen into the advocacy of national or commercial union with the United States. But, on the whole, it can be accurately stated that the vast majority of Canadians are equally determined to preserve the integrity of their Canadian nationality and to live on terms of peaceful rivalry and friendly relations with their powerful neighbors to the South. Annexation would be regarded by most Canadians as detrimental to both countries; a war between the two countries would be abhorrent to all.

All these facts and features, enlightened by *over* a century—as far as both countries are concerned—of friendly relations, should be of good omen for the future. Why should Canada, when a nation or a free partner of Great Britain, prove to be a more troublesome neighbor to the United States than she has been as a self-governing but externally irresponsible colony?

Naturally, if both countries want the future to be worthy of the past, they must remain true to their best traditions and resist firmly the temptations of greed and the appeals of jingoism.

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Canada should be clear sighted and patriotic enough, and have a sufficient degree of self-possession, to discourage the tremendous pressure now brought to bear upon her to drag her in the folly of naval armaments, either by contribution to the British fleet or by the organization of a navy of her own, for which she has not the slightest need.

On the other hand, the people and government of the United States can do much, either by action or by inaction, according to circumstances, to develop the good feelings of their growing neighbors and educate them in the process of building up a peaceful, progressive, truly Christian democracy. They can do as much to spoil them forever.

The influence of the United States in Canada is considerable and far-reaching. The contiguity of their territories; the community of language and origin; the natural co-adaptation of climatic and economical conditions, which brings an enormous exchange of goods, under all degrees and kinds of customs' tariffs; the constant interchange of population, now much more equally balanced than formerly; the enormous circulation in Canada of American journals and publications of all kinds:—these are all causes which tend to make of Canada, in many respects, a replica of the United States. Those causes operate with all the greater strength that they are not checked, in Canada, by the counterpoising influence of any other country close by. From a purely national point of view, much could be said of the inconveniences resulting to Canada from that peculiar situation. Upon such an occasion as the present one, it is more fitting, I think, to indicate the advantages Canada has derived from that radiation of forces originated in the United States; and above all, to point out in what manner that influence could be used to draw Canada to the cause of peace and arbitration.

The services which the great American Republic has rendered, though unwillingly or unknowingly, to her young neighbor, have been of vital importance and of permanent effect.

In declaring their independence, the inhabitants of the thirteen English colonies opened the eyes of British statesmen to the dangers of Downing Street rule in the colonies. They thereby paved the way to our constitutional liberties, and, as a result, secured the consolidation of the British Empire.

In proclaiming the so-called "Monroe Doctrine," at the urgent request of the British Foreign Secretary, George Canning, the United States practically made Canada safe from aggression on the part of the other nations. And this has been unreservedly accepted by all British foreign ministers, from George Canning down to Sir Edward Grey.

It must be confessed that the Monroe doctrine is looked upon in Canada, to-day, with much less favor than in Great Britain.

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Nevertheless, I venture to say that it should hold good, provided it grows broader and adapts itself to actual and coming circumstances, and is not lowered to the level of rank jingoism or narrowed to the measure of party exigencies or sordid interest. As a declaration of the right and determination of all free communities in America to govern themselves unhampered by the domination or pressure of European nations—with due regard, of course, to existing rights—it ought to be kept alive, and Canada should stand by it as strenuously as the United States or any other free American community. Naturally, if it is to endure, it must carry as a reciprocal consequence the abstention of American nations to interfere in the affairs of Europe, otherwise than for the protection of their citizens and the safeguarding of their interests. As between American communities, it should remain what it was meant to be: the exercise of a noble and disinterested prerogative on the part of the oldest and most powerful American nation, to uphold the rights and liberties of her younger sister nations, but never to be used as a “big stick” to bully and terrorize into subjection the weaker states of America. On the other hand, it should not be meant to abrogate the eternal laws of justice, applicable to all nations, at all times, and therefore not be invoked by any American community, last of all by the great English-speaking republic, against the right adjudication of any just claim on the part of any European or Asiatic nation. Finally and above all, it should not be raised as an obstacle against the adoption of general laws of arbitration. On the contrary, it should be enlarged and enlivened so as to become one of the main supports of the noble doctrine to which this conference is devoted. (Applause.)

It is by the evolution of the Monroe doctrine and its adaptation to the broader code of international arbitration that the people and government of the United States can accomplish most in the creation of a sound public opinion in Canada.

Nothing could retard the progress of the peaceful and confiding dispositions of the Canadian people as much as the conviction, or the mere suspicion, that any one constituted in authority in the United States, is bent on making of Canada a “mere adjunct” of the Republic. Nothing could more successfully develop those same dispositions, and draw Canada to the cause of international arbitration, than the marked evidences which the great American Republic could give of her determination, not only to advocate arbitration, but to put it in practice in all her possible disputes with the weakest as well as with the strongest nations.

The creation of the International Waterways Commission, with a view to adjusting the claims of the numerous parties

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interested in the enjoyment and development of the vast watershed common to both countries, has been a good step in that direction. It is a practical beginning in the establishment of measures tending to prevent causes of conflict and to settle all difficulties by way of arbitration.

Another beneficent measure would be the establishment in Washington of a permanent Canadian office, of a semi-ambassadorial character, working in free co-operation with the British Embassy. The governments of the United States and Canada would thus be kept in close and constant intercourse. The views of the Canadian government, on all questions of common interest, would be communicated first hand and in full to the authorities of the United States.

May I close by saying that the spectacle of two great democracies, perpetuating on the Continent of America some of the best features of the leading races of Europe, free from the crushing burden of armaments, and living side by side in a state of peaceful emulation, would be one of the most appreciable assets of humanity? (Applause.)

The CHAIRMAN: I am sure we have been delighted with the forceful and eloquent address of Mr. Bourassa. If it were possible—and I think it might be possible—for Canada to hold her hands and not have a navy, it would be a great gain and would back up what has been her successful policy so many years. Senator Dandurand, whom we expected here, has had to go back to Ottawa to take the lead in advocating the policy of the Senate in regard to the proposal of the three Dreadnoughts to be provided for the English government. What he may say, with the authority of some one else behind him, may be the determining factor whether or not the Dreadnoughts will be provided.

I have now great pleasure in calling upon Dr. WILLIAM R. SHEPHERD, Professor of History in Columbia University, who has traveled extensively in Pan-American countries.

SOME RECENT FORMS OF THE "MONROE DOCTRINE," AND THEIR RELATION TO INTERNATIONAL ARBITRATION

ADDRESS OF WILLIAM R. SHEPHERD, PH.D.

In 1784, shortly after the close of the American Revolution, and more than thirty years before the Latin-American republics had won their independence of Spain and Portugal, the Count of Aranda, then Spanish ambassador to France, addressed to King Charles the Third of Spain a memorial containing a remarkable prophecy about the United States. "This federal republic,"

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he said, "has been born as it were a pygmy. * * * Some day it will become a giant, an awe-inspiring colossus * * * dreaming only of its aggrandizement. * * * The first step of this nation, whenever it shall have gathered sufficient strength, will be to seize the Floridas, so as to dominate the Gulf of Mexico. Then * * * it will aspire to the conquest of the vast empire (to the southward), which we shall be unable to defend against a formidable power, established on the same continent and in its close vicinity." This prophecy may well serve as a text on which to base any consideration of the general subject in hand.

Next to patriotism, there is no sentiment in our country more earnestly and persistently cherished, or more doubtful in meaning and application, than what is commonly thought to be the Monroe Doctrine. Any reference to Latin America would appear incomplete without it. Press and public, Congress and the individual citizen, all assume that every phase of our policy toward the American republics of Spanish and Portuguese origin proceeds from, is suggested by, or intended to serve as, an assertion or extension of this political creed. Toward the other nations of the earth our attitude and conduct may vary according to circumstances; but our relations with the republics on the American continents and islands are determined, presumably, out of regard for the Monroe Doctrine alone.

In view of these ideas, the historian who ventures to deal with recent aspects of our relations with Latin America must avoid, in the title given to his remarks at least, any intimation that there is something radically wrong in the prevailing assumption. Otherwise he runs the risk of being placed in the company to which a certain contemporary writer has assigned those "representatives of the people in Washington," who assist the "rabidly anti-American among Latin-American politicians" in their purpose of "villifying our country by their sophomoric effusions."

Considered in the light of the times in which it was first enunciated, and as properly applied on later occasions, the Monroe Doctrine lays down three definite principles. It prohibits future colonization in America by a non-American power, forbids an extension to the republics of the New World of the monarchical system by any countries of the Old World, and asserts the determination of the United States to uphold the independence of those republics against aggression from any non-American quarter. In practice, also, the Monroe Doctrine has been justly interpreted to mean the prevention of non-American states from acquiring any part of an American republic's territory, even with its own consent, or under the guise of adjusting a boundary line. Similarly it is held to include the prevention of non-American states from occupying, more or less permanently, as an act of war to obtain satisfaction of pecuniary claims, or to secure reparation

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for injuries committed, or otherwise, any portion of the lands belonging to an American republic.

While these forms of application may amount actually to a restriction imposed by the United States on its fellow-nations in the New World, by which their sovereign right to dispose of their territory as they see fit is appreciably limited, the underlying principle is in full agreement with the views that prevail practically throughout Latin-America. Hence it is looked upon there, less as a diminution of abstract power, than as an enlargement of concrete protection.

When thus interpreted and made effective, the Monroe Doctrine, in the present state of public opinion, would not be properly a justiciable question, and accordingly would not be subject to international arbitration. Belonging, as it does, in the same category as the national independence of the United States, it could not be made liable to infringement by an international court, no matter how impartial in character.

Three of the main aspects of our relationship to the rest of America, and of the relationship of the rest of America to its constituent parts, have not grown out of the Monroe Doctrine, and none of them has, necessarily, any organic connection with it. Of these aspects one is the hegemony or headship, if not domination, of the United States in the Western Hemisphere. Another is that tendency of all powerful states to widen the territorial bounds of their political and commercial supremacy, a tendency to which usage has assigned the term "imperialism." The third aspect has to do with an appreciation of community of problems and interests among the republics of America which, for the want of a better name, is called, in a larger sense, "Pan-Americanism," and in a narrower sense, "Latin-Americanism,"

No reasonable construction of the language of the Monroe Doctrine, and no correct understanding of the history, either of the United States or of the Latin-American republics during the nineteenth century and after, will support the notion that the great American dogma is a self-denying ordinance. It does not prohibit any of the countries of America to assume a position of headship over the others. It does not forbid any of the American nations to do to its fellows, or to any of the European colonies still left on this side of the ocean, precisely the things from which outsiders are excluded. Nor does it prevent them from entering upon a closeness of relationship which might betoken a solidarity of concern over against the rest of the world. All such manifestations of activity, on our part or on that of our Latin-American neighbors, are not to be ascribed to the Monroe Doctrine, but to certain circumstances of national development without which the Monroe Doctrine would have been worthless.

Partly because this exclusion of non-American countries has no reverse side, which would put corresponding restraints upon

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the nations of America themselves in dealing with one another, and partly for many reasons of a different kind, the policy of the United States toward the Latin-American countries in recent times has veered very widely from the Monroe Doctrine. So far as Latin-America is concerned, the divergence is due, more especially, to the phenomenal spread of European and American investments in the various republics, to the mighty growth of trade, to the huge increase in European immigration thither, and to the corresponding enlargement of information and interest on their account. One cannot ignore, also, the presence in their territories of promoters, prospectors, engineers, constructors of every sort from this country and others, who have availed themselves of the opportunities offered by political and financial disturbance to gain certain personal advantages, with the expectation that their respective governments would uphold their claims. A new type of American frontiersman, in particular, has gone to the southward, a frontiersman whose methods and deeds have not been altogether dissimilar to those characterizing the western pioneer of earlier days in our own land.

The possession of vast natural resources developed by European capital and immigration, in union with the enterprise of our Anglo-American ancestors, has enabled the United States, on its part, to assume a position of headship in the New World that is unique in international affairs. Outwardly, in its exercise of regulation, it resembles the concert of the powers of Europe; but it lacks the balance involved in that concert. It has to do with the action of one nation instead of several; and if its unison of tone may be a trifle monotonous, it at least has the merit of striking no discords. On the other hand, none of the Latin-American republics has ever advanced to a position of substantial equality with the United States, and none is likely so to do in the immediate future.

Given the mighty growth of the United States and, during the last thirty-five years, the rapid progress as well of the Argentine Republic, Brazil and Chile, for example, it is not surprising, perhaps, that, in the measure of its strength, each should have endeavored to widen its respective frontiers. Our country, especially, has enlarged its domains to an enormous extent. Except for the Oregon region and Alaska, all of its acquisition since 1802 belonged either to Spain or to a Spanish-American republic.

Whether justifiable or not, this expansion is a clear evidence of imperialism. The fact is significant, and some there are who think it ominous for the future of Latin America. On this point a recent circular of the Navy League of the United States, mentioning sixty-seven reasons why we ought to maintain a strong navy, seems to throw a little light. "Land hunger and land grabbing" it affirms, "are as much in evidence today as in any period of the world's history." The eighteenth reason,

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therefore, urges the maintenance of a powerful navy to uphold the Monroe Doctrine, "particularly in its relation to the West Indies and lands north of the Amazon." What this phraseology means is, perhaps, as dubious as the ordinary conception of the Monroe Doctrine itself. One might gather from the language of "Reason 18" that, for the protection of our own shores, the scope of naval operations need not be extended beyond the Amazon. One might infer, also, that the eagle flies by sea as well as by land, and that his flight is apt to take a southerly course. Again, the wording might lead one to assume that what lies to the southward of the Amazon, either is able to defend itself, or is to be left as a legitimate field for European expansion.

Not interpretations of the Monroe Doctrine, then, so much as motives and considerations quite apart from it, have shaped the major part of our policy in recent years toward the Latin-American republics. The policy has been dictated rather by a desire to maintain our political preponderance in the Western Hemisphere, to promote our commercial aggrandizement, and to strengthen throughout the continents and islands a sense of inter-American solidarity, of which the headship of the United States shall be the outward and visible sign.

To these several ends, for example, notably in the areas of Latin America bordering on the Caribbean Sea, the United States has declared itself unwilling to allow a European country, possessing colonies in America, to transfer them to another power without its express consent. It has acquired naval stations in Latin America and negotiated for others. It has asserted its right to sole ownership in the waterway now being constructed, or in any other neighboring waterway hereafter to be constructed, between the two oceans.

In that region, and even farther to the southward, the United States has intervened in the internal affairs of Latin-American nations, to maintain order, to insure fair elections, to rehabilitate finances, to enforce rules of sanitation and to investigate reports of ill-treatment of Indians. It has imposed its mediation upon belligerent countries, has determined whether or not a particular presidential administration should be recognized, and has actually created two of the Latin-American republics, in one case by emancipation from a European state, and in another by separation from a Spanish-American country. It has established, finally, the system of periodical meetings of delegates from the twenty-one republics at large, known as the International Conference of American States, for the treatment of problems more or less common to them all, and also the international institution at Washington, called the Pan-American Union, for the diffusion of information about them.

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As illustrated by a number of these activities, the United States has introduced into the Latin-American nations concerned a kind of political tutelage unknown elsewhere in the world. Supposedly independent and sovereign states have been placed, not under a protectorate, but under a sort of guardianship which limits the enjoyment of independence and the exercise of sovereignty to the extent that the United States thinks needful, to insure their stability, solvency, cleanliness, and general good behavior.

Yet, with all our imperialism, real or alleged, and with all our manifestations of headship, actual and supposititious, there exists in the American people a genuine sense of fair play, which will assert itself whenever appealed to in the right manner. Some Latin-American countries and individuals, aggrieved by our conduct, have made the mistake of publishing their complaints in Europe, in Paris or Madrid, for instance, where they could not be of the remotest service. Some have urged that the aid of Japan, or of Germany, or of Europe at large, be invoked, as a counterpoise to the "Colossus of the North." Others have dreamt and talked and written about a confederation of Latin-American countries, to offset the headship of the United States and to restrain its alleged bent for imperialism.

Dreamers and idealists care nothing about the lessons of history, and ignore the plain facts of the present. In Latin America they have been misled by the mirage of numbers and the map. They fancy that twenty republics, with a population of seventy millions spread over an area three times and more the size of the United States, make up a citadel of strength, whereas in reality, viewed as members of a possible confederation, most of them are but straggling outposts of weakness.

Colombia, at all event, our Latin-American neighbor most aggrieved, is no longer making these mistakes. Its wise men are not airing their country's troubles in Europe or adjuring all Latin Americans to unite against the Yankee oppressor. Instead, for some time past, Colombia has been doing the altogether sensible thing of maintaining a publicity bureau right here in the United States. It has availed itself of the periodical press and of the mails to appeal in an earnest, manly fashion to the sentiment of justice lying deep in the hearts of the American people. And what has been the outcome? Daily the feeling gathers headway that, while we cannot forego our possession of the Panama Canal Zone, we ought to make honest reparation for our hasty action of a decade ago. Already the government of the United States has offered a liberal compensation which Colombia has not been willing so far to accept. It demands arbitration of the whole matter at issue with the

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United States before The Hague tribunal. On our own part, however, it does not seem too much to say, that, if Colombia will only understand and respect our national needs, and, viewing the question temperately, will not resort to any exaggerated insistence upon outraged nationality, the American people will stand ready, through arbitration or otherwise, to make a "square deal" without further shuffling. (Applause.)

Looking at still another phase of the general subject, Europe appears to hold the opinion that, if the United States will not permit interference by non-American nations in Latin-American concerns, it does so because it wants Latin America for itself. At all events it ought to make itself responsible for possible shortcomings in this quarter of the globe. Accordingly it should compel Latin-American countries to comply with their obligations, in case any of them might evince a disposition to evade such obligations by taking refuge in a supposed impunity afforded by the Monroe Doctrine. For these opinions seven correctives are available.

In the first place, the United States has expressly disclaimed any intention of allowing the Monroe Doctrine to be used as a shield against the consequences of misbehavior. Secondly, the application of the agreement reached at the Second Hague Conference, providing for a resort to arbitration, supplies a ready means of action. The third corrective would permit European powers to employ coercive measures, so long as they do not involve the actual occupation of territory. The fourth would authorize the United States to use its position of headship in America for the purpose of bringing its moral suasion to bear.

Less practical than the preceding, the fifth corrective would suggest an understanding among all of the American republics that they boycott any particular state clearly guilty of wrongdoing. With it may be associated the sixth in order. This would advocate a compact among all of the American nations, forbidding any of them to make further conquests in the New World.

The seventh and last corrective for European misapprehensions about our relation to Latin America is the most valuable, perhaps, of all. It would consist in the establishment in the New World of a concert of the powers similar to the one existing in Europe. By this arrangement the United States would co-operate with the stronger and more progressive countries of Latin America in the exercise of such a degree of supervision, regulation, and control over the affairs of the weaker states as circumstances might warrant. Its occasional use in recent times has been attended with admirable results. While safeguarding the Monroe Doctrine in all its reasonable exten-

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sion, the practice leaves the leadership of the United States essentially intact and tends to abate among the Latin Americans themselves the fear of our imperialism. Furthermore it avoids wounding the self-pride of the larger and more important Latin-American nations, at the same time that it enhances their prestige, and reconciles the smaller ones more readily to any needful processes of international regulation.

So far, then, as the phases of our relationship to Latin America are concerned with questions of headship, commercial expansion and inter-American solidarity, they might all be made more or less subject, in case of doubt, to international arbitration. To what extent, of course, must depend upon how we choose to interpret those twin phrases, "vital interests" and "national honor." Possibly the day may come when international disputes of every kind whatsoever, and hence including such as affect national independence and even the Monroe Doctrine, will be susceptible of determination by the judgment of an impartial tribunal of the nations, enforceable by an international police. As yet that happy day shows no very marked signs of dawning. Until then we must utilize the means of peaceful settlement so far as public opinion, national and international, will sustain them. And meanwhile we may cherish the hope that persistent and tireless education in the principles of humanity will hasten the coming of the moment, when wars and rumors of wars shall have faded into the limbo of the dead and gone, and when righteousness among nations shall have become the corollary of righteousness among men. (Applause.)

The CHAIRMAN: I wish I might introduce the next speaker as an Englishman, but I understand he is really an American though living in London, Mr. RALPH LANE, better known, perhaps, as NORMAN ANGELL. His forcible and thoughtful works, "The Great Illusion" and "Europe's Optical Illusion," have produced a tremendous impression on the nations of Europe. The first has been translated into eighteen languages, and has had a very remarkable effect, particularly in commercial and industrial circles. He has proved that even the successful nation in waging war is no better off than the defeated nation; and that for nations at the present time to engage in war spells disaster of an unspeakable character, not only for themselves, but for the rest of the world. Mr. Angell has visited all the universities of England and most of those in Germany, and, as the result of his efforts, they have formed what are called Peace and War Societies; or, in some places, Norman Angell Societies. I think every university in Britain except possibly Oxford has one of them. I have great pleasure in asking Mr. ANGELL to address us.

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SOME FALSE THEORIES SUPPORTING THE WAR
SYSTEM

ADDRESS OF MR. NORMAN ANGELL

You have had your attention called to the fact that when it became evident that a court of arbitration was within sight, some of the leaders in this conference regarded their work as almost done. Later they found it was by no means done; that it is one thing to invent a machine and another to use it.

I have no intention of disparaging arbitration. There are very strong reasons why efforts should be directed at arbitration. But arbitration, to be effective, must have behind it a real understanding public opinion. And if you have a real understanding public opinion, arbitration will seldom be needed.

How was war abolished in that great sphere of human activity wherein for centuries it was regarded as inevitable—I mean in the domain of religious conflict? War between the opposing religious groups was brought to a close without the operation of arbitration, without the operation of complicated treaties or Hague Conferences, simply by the improvement of public opinion.

Montaigne has sketched for us a notable interview which took place between a Catholic and a Huguenot in France. It took place just after the massacre of Bartholomew when 70,000 corpses of men, women and children were found one morning in the streets of Paris. The Huguenot submitted that it was a very "regrettable incident" (I give you the interview in modern English, not sixteenth century French). The Catholic agreed but added: "You cannot, however, ask us to commit political suicide. You know that the influence of the Catholics has been growing very great of late in the French state. If it increased much more, they would dominate us and then they would cut *our* throats, and to prevent that we are prepared, if need be, to cut theirs."

Don't you think this a very suggestive situation? You had in the religious field exactly the situation which you now have in the political field. In that conference the Huguenot said: "Need there be any throat-cutting at all?" "Oh," said the Catholic, "so long as human nature remains what it is, men will fight about the most important thing which concerns them, which is their religion. Not until you have transformed human nature, which will take thousands of years, will you abolish war from the religious field."

Well, it didn't take a thousand years. It took barely more than the lifetime of one man, and that at a time when the printed book hardly existed in Europe, when there was no cheap literature, no popular press, when you had none of these instruments for the expression of opinion and the dissemination of

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ideas which you have now. But even with those very poor instruments a change which even the best judges thought all but impossible was brought about, simply by the force of public opinion, and by no other force whatsoever. That I think is a suggestive historical fact.

In the face of it, I think that many of the difficulties which we imagine stand in the way of international co-operation, will not in practice arise. I thought this morning there were some artificial difficulties dealt with in the need for finding the international policeman, the sanction. You have groups of nations now living together under a policy which has no sanction in physical force, for whom a policeman cannot be called. I refer to the five nations of the British Empire. You know that a colony like Natal or Australia may take a line diametrically opposed to the policy of Great Britain—as they both have in the matter of the treatment of British Indian subjects. What can the British government do? Does it send an army there? No, it has no means of enforcing by military power any decision which it may desire to impose upon its allied states. Great Britain has made it a definite part of her policy that whether her colonies be right or wrong, she will not use force against them. That is now an accepted principle of British statecraft. There is, therefore, no policeman. And yet, somehow, they manage to maintain civilized relations. What is possible with five is possible with fifteen; and what is possible with fifteen is possible with fifty.

We are told that physical force is the last resort in civilization. Well, it is not true. I remember that when the House of Lords Veto Bill was under discussion in England, a newspaper correspondent put this case: "Assuming that the veto of the House of Lords is abolished, what is to prevent the members of the House of Commons from voting themselves incomes of a thousand a year in perpetuity, suspending the Septennial act and making themselves dictators of England?" Well, as a matter of fact, there is only one thing to prevent that: the general agreement among the English people that those things shall not be done. You say there is an army to turn the government out. But the army does what the government instructs it to do; it accepts its orders from the government. And if you think that that is an impossible situation—that it could not happen—I would remind you that in most of the republics of this continent,—the Spanish-speaking Republics that is,—that is precisely what has been happening. When some "liberator" has managed to secure the reins of government and to control the army he does not trouble about what the constitution allows him to do. He keeps the reins of government until another "liberator" turns him out; and he in turn does the

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same thing. The party which holds the most physical force governs and keeps the spoils. And so long as force is your final appeal—well, force is your final appeal, and this sort of thing goes on. There is only one thing in the world which will bring it to an end, and that is a general determination on part of the people as a whole, including the politicians, that physical force shall be kept out of the matter. That's what has brought peace in the religious field, and I am inclined to think it alone will bring us peace in the political field.

What is at the bottom of the difference between our society and the society which exists in Turkey, or in Zululand? The population have the same physical strength, the same raw materials of nature. There is only one thing which explains the difference and that is the ideas which obtain here and the ideas which obtain there. The difference which distinguishes the society of the United States from the society of Venezuela is explained in exactly the same way. Unless there is a general acceptance of the principle that force is futile, schemes of arbitration will not work. There must take place in the political field what has already taken place in the religious field.

What are the ideas which maintain war and stand in the way of improvement? That's the first step of our problem: to observe what the underlying ideas are which support war. Having determined that, the next is how to make plain to general opinion that these ideas are false.

If you ask an Englishman why he thinks it is necessary to maintain an army, he is innocent of doubt. He will tell you that he is threatened by Germany. And you cannot say that he is not. Not that Germany has necessarily any aggressive intentions as against England, but no one can tell whether Germany has or has not. The other day Lord Roberts made our flesh creep by telling us that in ten or fifteen years Germany would invade England. He knew, of course. Now Lord Roberts is an Englishman, knowing the English people, being personally acquainted with members of the government and opposition. And yet if you were to ask him what *England* intended to do six months hence at the next general election on some small matter like Home Rule or the suffrage question, he could not to save his life tell you. But though he cannot tell you what his own country will do six months hence, the intentions of a much more complex foreign country across the North Sea fifteen years hence are no secret to him at all.

Yet, nevertheless, the Englishman is entitled to reply, "You cannot give me any assurance that Germany will not invade us." No, you can't, but you can determine what it is to her interest to do. And, as a matter of fact, he bases his assumption of her intention on what he deems her interest. To him, it seems

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evident that Germany, with a million new mouths to feed every year, will be compelled to "expand." That expansion must, thinks the Englishman, take place at his cost. A big fat book, called "The Struggle for Bread," has recently been published to demonstrate that a smaller book of my own is all wrong. My critic declares that in the last resort Germany has got to fight because Germany is hungry—because one has to provide bread for her people. Lord Roberts also has assured us (in the speech I referred to) that the moment Germany's armaments were predominant on the North Sea, English trade thereon would be at her mercy: it would be carried on on the suffrance of Germany and could be brought to an end whenever Germany chose so to bring it.

Now that sort of declaration shows clearly enough the kind of ideas upon which the average person—and persons above the average—supports the war system. He regards nations as necessarily rivals, as compelled to fight for their existence, to fight for bread. He regards the struggle of nations as part of the great law of the struggle for life.

We must not say offhand that that is a sordid view of the case. The first duty of a nation is towards its own citizens. I take the ground that unless public opinion is able to pierce the illusions which these ideas constitute, we shall never make any real progress toward undermining the war system. Until we realize *why* these ideas are false, until we have dispelled the misconceptions which prompt them, we shall not be able to take, in the political field, the step we have already taken in the religious field. You may say that it is too much to ask of the ordinary busy person that he shall be able to analyze economic sophisms. But I take strongly this ground: that the essential truths of life are obvious and apparent in the light of the simple fact which stares us in the face, on one condition, which is this: that our vision shall not be distorted by the presence of false theories, false interpretations. Just consider what this means. During the seventeenth century a hundred thousand people were sent to their death for the impossible crime of witchcraft. Now, they were condemned not by ignorant people at all but by learned judges trained to sift evidence—some of the acutest minds of the seventeenth and eighteenth centuries—men who had studied the whole "science" of witchcraft. If we in this room had attempted to argue the question of witchcraft with those people we would have been hopelessly beaten. But ask the ordinary American boy today whether he thinks it likely that an old woman should cause a storm at sea in order to make a Scotch king seasick, and he would say no, it was not likely. Yet the learned judge who had studied the question profoundly, deemed it not merely likely, but for it,

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sent the old woman to her death. Now how comes it that the boy is right and the learned man wrong? Simply because the boy, not brought up in the atmosphere of goblins and ghosts, not having his vision distorted by false theories, able to see the facts of ordinary life just as they are, is able at once to jump to the right conclusion.

So in the same way if we can destroy the old political conceptions which are based upon a misreading, sometimes a very learned misreading, of the true relationship between nations, on the belief, for instance, that they are rivals instead of partners in the work of the world, the truth about the matter will emerge of itself.

I can best, perhaps, make plain what I mean by taking an instance of existing political illusions in the international field; namely, the idea that the conquest of territory, the annexation of a province is an addition to the wealth of the annexing people. Now I have attempted to show that that idea is the result, not of an error in the judgment of facts but of an elementary confusion of thought; the people of a country are no more made richer by the addition of territory than are the people of a city made richer by the expansion of its boundaries. You don't need columns of statistics to prove that. If it were true that in our time nations annexing provinces do gain, you would find largely and generally that the populations of the great states were much better off than the populations of the small; those of Russia much better off than those of Belgium or Holland or Switzerland. But it does not happen to be true. Simple facts like that, which stare you in the face, dispose of all the theories.

Once you have destroyed the old illusions and the old conceptions, the recognition of what is really true is a very simple and self-evident matter. It is in the destruction of the old theories that the hard work is involved. And that is our work. I think if we are quite frank, we shall have to admit that we are not tackling it as we might. We do not realize that the change of attitude involved in replacing anarchy by order is necessarily something more than an aspiration, a good intention; it involves but a constructive philosophy of political life. There must be a real understanding, in the proper sense of the term, of how and why war is an absurdity. We imagine that mere improvement of intention will suffice. There was as much good intention in Europe five or fifteen centuries ago as there is now; and the inquisitor who burnt the heretic and the Christian who massacred him was not an evil person. Mere contact with foreign peoples, mere interchange of visits however delightful, will not suffice to change our present condition. If mere contact sufficed, we should never have had the wars of religion,

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because they were fought by people living in daily juxtaposition. We should not have the Irish question, nor the suffrage question if mere contact were sufficient. There is only one way to clear up a misunderstanding, and that is to understand it. Perhaps the most useful work we can do is to organize the work of understanding.

We might try to crystallize that effort into a definite program. One of its first items might be the provision of text-books for schools dealing with the subject as a part of citizenship, indicating the real rôle of force in our commercial life, and showing in an elementary way the process, the how and why of human co-operation, in a way suited to the minds of children. I mean not merely the authoritative laying down of facts, but the explanatory process, a demonstration of *how* these things take place, and how and why men and nations became inter-dependent, partners instead of rivals. That might be followed up by a more systematic system of secondary instruction, and instruction in our universities. Studies like economics, law, banking, commerce, should be focussed in the direction which bears most nearly toward the point at which we hope to arrive. The creation of a definite chair of international sociology or statecraft, world-organization of systematizing this study. It must be done by our educational institutions, for although it so nearly concerns business men they are naturally so absorbed in the daily work of their business that they do not realize it,—do not realize indeed how they are creating this unified human society which has rendered war an absurdity. Two years ago I had the privilege of putting the economic case to our Institute of Bankers in London. I put my proposition interrogatively and asked them if it were true that the financial interdependence of the world had rendered war not merely a disaster but victory an economic futility. They were bound to admit it. I said "Why in heaven's name hasn't some one got up and said something before this?" As a matter of fact, the political consequences of their work had not been realized. It was no one's business to point it out or to elaborate it—a banker is concerned merely in knowing that John Doe's paper is better than Richard Roe's. A beginning of the world-organization of the cotton industry of the world has been made by an Englishman, and of agriculture by an American. Surely therefore a like organization might be started for industries like shipping, insurance, and banking, which have a greater influence on political action than cotton. Their influence might be decisive in such matters as international action to secure immunity of private property at sea or the declaring of war loans a violation of neutrality.

A conservative prime minister of England says that war is the failure of human wisdom. Then why should we not organize

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wisdom to see that it does not fail? Could not that genius of America which has harnessed the forces of nature to the service of its industries so successfully be applied also to the propaganda of ideas? The same energy and shrewdness which enables the American business man to convince the world of the virtues of Quaker Oats or plug tobacco could be applied to the dissemination of right ideas concerning certain other matters. And if the genius for organization of this positive character were turned to such ends, America would play a predominating rôle in achieving for our generation, in the political field, a step which would be a parallel to the last great step in our society, I mean that improvement of opinion which gave us peace for all time in the religious field. (Applause.)

The CHAIRMAN: We now have opportunity for discussion. If there is none, the Conference stands adjourned until tomorrow morning.

Third Session

Thursday Morning, May 15, 1913

Mr. SMILEY: We are fortunate to have with us to-day, as at many previous conferences, a former Solicitor for the Department of State, a member of the American Delegation to the Second Hague Conference, and now Secretary of the Carnegie Endowment for International Peace, Dr. JAMES BROWN SCOTT of Washington, whom I am happy to present as our presiding officer this morning. (Applause.)

THE HAGUE CONFERENCES

REMARKS OF MR. JAMES BROWN SCOTT

I shall try in a very few words to explain why the subject we are about to discuss this morning is both timely and important, and why such great attention is being given to it both at home and abroad. In the year 1898, as we all know, the enlightened Czar of Russia issued an invitation to the nations, having diplomatic representatives at St. Petersburg, to meet in conference and to consider the means whereby the increase of armaments might be checked and the burdens of armaments removed from the shoulders of the people. While favorably received in some quarters, it was subjected to severe criticism in others, and as a result of encouragement and criticism a new invitation was issued within a few months which, while retaining the question of armaments in the forefront, was much broader in scope, and included an enumeration of the means by which peace might be restored if broken and conserved where it happily existed. Especial stress was laid upon arbitration and mediation. The conference, popularly called the Peace Conference, although it was not given this name by its august initiator, met at The Hague on the 18th day of May, 1899, and by the negotiation of the convention for the peaceful settlement of international disputes, not to speak of its other labors, amply justified the call and the months spent in solemn deliberation. In the year 1907, a second conference met at The Hague to revise certain conventions of its predecessor and to supplement them by many others. It appears that we are on the threshold of another, the third of a series to be held at The Hague. For, at the second conference, to which I briefly refer, a resolution was voted, due to the strenu-

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ous efforts of Mr. Choate, that a third conference should meet at what was rather awkwardly called "an analogous time," that is, at a time equal to that which had elapsed between the first and second conferences, making the date of the meeting of the next conference approximately 1915. The resolution further provided that two years in advance of the probable meeting of the conference the powers should concert and form a preparatory committee to consider what subjects were ripe for inclusion in the program and to recommend a system of organization and procedure for the conference itself.

Now, if the preparatory committee is to be constituted two years in advance of the probable meeting of the conference, and if the conference is to meet approximately in the year 1915, it is indeed high time that the preparatory committee be appointed or that steps be taken for its appointment, and it is especially desirable that bodies such as this, bodies particularly and peculiarly interested in the conduct of international relations according to the principles of law and justice, should meet and discuss the subjects which might properly figure in the program of the conference, in order that the preparatory committee when constituted should enter upon its labors in the fullness of knowledge.

One word more about the nature of the conference called into being by the wisdom, foresight and generous initiative of the Czar, and I shall yield to the speakers of the morning. The conferences which have twice met at The Hague are diplomatic bodies, composed of representatives of the governments invited, who act upon definite instructions from their home governments. Projects are presented, discussed, accepted or rejected, but no nation is forced to accept a proposition. Majorities do not prevail as in parliaments, and a majority, however large, cannot coerce a minority, however small, because each state is regarded as the equal of each and as having no superior to whom it must yield its opinion or judgment. The unanimity rule thus prevails, and it often happens that but a very small part of the program passes into conventions. Again, the convention agreed upon is not equivalent to an international statute, because the conference only recommends to the nations that the projects adopted by it shall be submitted to the appropriate branches of the governments for ratification, and that, if approved by the appropriate branch of the government, the formal instruments of ratification shall be deposited at a stated time agreed upon in advance at The Hague. It is only from the deposit of the ratifications that the conventions which had previously been but drafts are clothed with the force and majesty of treaties, and then only for such nations as have been minded to accept them and deposit their ratifications at The Hague. I have thought it advisable to call your attention to the distinction between a parliament on the one hand and an international conference on

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the other, in order that you may see the peculiar and difficult way in which diplomatic agreements are reached and become binding upon the contracting parties. (Applause.)

The CHAIRMAN: We are fortunate indeed to have many topics on the morning's program and still more fortunate to have them discussed by those who have had practical experience in their conduct, or who by study and meditation have acquired broad theoretical knowledge of the subjects upon which they are to speak. It is my very great pleasure to introduce the first speaker of the morning, who, you will be glad to learn, began what has proved to be a very distinguished career as Secretary of the Mohonk Conference on Arbitration, some years ago, immediately upon graduation from the Harvard Law School, Mr. WILLIAM C. DENNIS of the Washington Bar, Agent of the United States in the Orinoco Steamship Arbitration before The Hague Tribunal and the Agent of the United States in the Chamizal Arbitration between the United States and Mexico.

PROBABLE TOPICS FOR THE THIRD HAGUE CONFERENCE

ADDRESS OF MR. WILLIAM C. DENNIS

Dr. Scott has already made clear the peculiar timeliness of our topic for discussion this morning. What are to be the subjects of discussion at the Third Hague Conference will very largely be determined before the conference meets. They have already, in fact, to a very considerable extent been determined by what has happened since the Second Hague Conference met. Now that the time—two years before the proposed date for the Third Hague Conference—has come around, and the governments are constituting their preparatory committees, now, if ever, the friends of peace and arbitration, those who believe that a judicial method for the settlement of international disputes can be substituted for war, should exert all the influence they may have upon their respective governments to see to it that just as great an advance as possible is made by this Third Hague Conference. It is therefore peculiarly appropriate for a meeting like this to consider this subject, so as to prepare ourselves to use whatever influence we may have as wisely and effectively as we know how.

I suppose that the subjects which will be considered at the next Hague Conference, like those that have come up for discussion at the two previous conferences may be divided roughly into two classes, namely, those relating to the regulation of war, and those relating to the prevention of war through the substitution of some judicial means of settlement. Both classes of topics are important; but it is generally conceded that the second class is by far the more important. As long as we have war,

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no matter how much we may regulate it, war will still be awful. The great thing is to abolish war as rapidly as may be; a good thing is to ameliorate it as much as possible.

These two general classes of topics may in turn be subdivided. The first class, comprising matters relating to the regulation of war, may be divided first into those topics touching the conduct of actual hostilities, such as questions relating to the declaration of war and the laws of war on land and sea; and second, into those matters having to do with the subject of the limitation of armaments.

In like manner the topics relating to the prevention of war may be divided into two classes; those which relate to proposals for broadening the scope of arbitration as a judicial remedy, by increasing the number of questions which may or must be submitted to arbitration, and those which relate to the improvement of the system of arbitration itself. This latter distinction was clearly drawn to the attention of the American delegates to the Second Hague Conference in their instructions prepared by Senator Root.

Of course it must be understood that any such general classification as that which I have just attempted can, in the nature of things, be only rough and approximate. For example, some things have a tendency to effect both the regulation and prevention of war. Take, for instance, the matter of the limitation of armaments; this not only regulates directly the preparation for war which may be made in advance, but also necessarily affects the conduct of war after it has been begun. But aside from that, there is no doubt of the psychological tendency of great armaments to produce war, and a limitation of armaments, if brought about, would therefore have an indirect effect in lessening the chances of war.

The speakers on the program this morning are more or less distributed along the various lines indicated in the hasty classification I have just given. In what I shall myself say, I shall not attempt to discuss any particular subject with any degree of thoroughness, but shall content myself with certain general remarks leading up to the more intensive discussion of those who come after me.

As regards regulation of war, I do not think that there is any serious reason to doubt that the Conference will do all which can reasonably be expected. It will be remembered that after the discussions of the Second Hague Conference had gone on for many weeks Mr. Choate was reported in the papers as saying that much had been done to regulate war, but little to prevent it. There seems to be no reason to expect any greater difficulty in making progress along the line of regulation at the Third than at the Second Conference.

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There is one topic, however, relating to the regulation of war as to which the proposals of the United States failed of acceptance at the Second Conference and seem likely to fail once more if renewed at the approaching Conference, and this is the matter of the exemption from capture of private property at sea. The United States, as you know, has almost from the beginning of its national existence, advocated the exemption of all private property at sea from capture, unless condemned as contraband or for the breach of lawful blockade. The delegates of the United States were instructed to work for the adoption of that principle at both of the preceding Hague Conferences, and they will probably be again so instructed. Nevertheless, it is a serious question, more so than we generally admit, whether in the long run this American proposal is in the interest of progress, and therefore ought to be written into world law. Our great object is to prevent war. Some things may tend, in a sense, to ameliorate war, but may nevertheless be a detriment when viewed in the light of this prime purpose. Logically, there may be no reason for a distinction between the capture and confiscation of private property on land and at sea; practically there is a great difference. Capture at sea does not, as is the case on land, mean pillage and loot. It does mean serious financial pressure upon the commercial community, which has a direct and manifest tendency to prevent war and bring about the termination of war. Moreover, the loss entailed through the capture of private property at sea being distributed by insurance throughout the commercial community brings this pressure home to a most important class without entailing extraordinary hardship on anyone. In the language of our own Dana, capture at sea "takes no lives, sheds no blood, imperils no households, and deals only with the persons and property voluntarily embarked in the chances of war, for the purposes of gain, and with the protection of insurance." It is submitted, therefore, that even if the Third Conference declines to accept the American proposal with respect to maritime capture, there is no reason for being discouraged.

On the other hand, there is every reason to believe that great progress will be made along the line of the regulation of maritime warfare by writing into world law the declaration of London drawn up by a conference of the representatives of a number of the leading maritime nations, which met at London after the Second Hague Conference. The United States Senate has already given its advice and consent to the adoption of the rules promulgated by this conference by the United States, but ratification on the part of the United States and by nations generally has been delayed, since it was provided that ratifications should be deposited with the English government; and

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that government has been so far unable itself to ratify the declaration owing to the rejection of the naval prize bill by the House of Lords. The adoption of this declaration, with perhaps some modifications at The Hague, will mark a great advance in the regulation of naval warfare.

When we turn from the question of the regulation of war to the question of the prevention of war and the substitution of arbitration, more difficult and more interesting problems arise. We have, as before noted, two things to consider; first, the broadening of the scope of arbitration; second, the improving of the system. The nations at the Second Hague Conference showed every disposition to agree that a considerable number of subjects should hereafter be submitted to arbitration, but they were unable at last to agree upon either a specific list or a general classification of topics which they would bind themselves, under all circumstances, to submit to arbitration. But considering the showing made at the last conference, it ought easily to be possible at the next conference to secure an obligatory treaty of arbitration whereby the signatory nations would bind themselves under all circumstances to submit certain questions or classes of questions to arbitration. As Dr. Scott suggested yesterday, we ought at least to be able to agree upon a minimum. It would be very desirable from the point of view of this conference if we could go as far as the general arbitration treaties of last year attempted to go; namely, include all "justiciable questions," that is, all questions which are susceptible of decision by a court of justice, leaving out questions which are political in their nature. This is certainly the ideal which we should endeavor to approximate; a treaty which would make the nature of a subject and not its importance the test of arbitration. But if the nations are not willing to go that far, or if we are not all willing to ask them to go that far, we should at least be able to make some progress along the line of compulsory arbitration. At the last conference it was proposed to adopt a schedule,—a list of topics which might be the subjects of international disputes,—and to allow each nation to signify as to any or all of these topics its willingness to arbitrate, by ratifying the treaty and listing specially the topics which that nation was ready to arbitrate. If two nations ratify such a treaty and list some topic in common, that amounts to a treaty between those two nations for the compulsory arbitration of questions falling under that topic, and so on. In this way each nation may go as far as it likes, and yet all may be signatories of the same convention.

Of course there are objections to such a proposal. One objection which was suggested by Germany to that proposition was that Germany did not desire such blanket arrangements to arbi-

trate certain questions with anybody and everybody. Germany, it was said, was willing to arbitrate certain questions with certain nations, but not to put it in the power of every nation to call upon Germany to arbitrate such questions. It is easy to criticize that position; it is easy to point out that, since The Hague Conference, Germany has not been as diligent as it might have been expected to be, in view of its attitude at The Hague, in negotiating special arbitration treaties with special countries. But be this as it may, there is something to be said on behalf of the German objection. It is one thing to arbitrate with one country and a totally different thing to arbitrate with another. From time to time we hear criticism as to the disposition of some people to arbitrate questions with Great Britain, and to enter into arbitration treaties with Great Britain, when they are not willing to enter into similar agreements with other nations. Perhaps theoretically such an attitude is wrong, but it is submitted that it is entirely natural. Some of us confess to a sentimental attachment to the land which we call the Mother Country, but, sentiment entirely aside, there are practical reasons why arbitration with England is as yet much more satisfactory for us than arbitration with any other country. The language, law, and institutions of the two countries are substantially identical. Petty matters of local procedure aside, a lawyer of either country is at home in the courts of the other, and would be at home in any international tribunal composed of citizens of the two countries. So, after all, there are practical and legitimate reasons for the position that arbitration is more satisfactory as between certain countries than as between certain others. Nevertheless I believe that we have the right to look forward to real progress at the Third Hague Conference along the line of general compulsory arbitration treaties.

When it comes to improving the system of arbitration, many suggestions have been made. One appears to be certain of realization at the next conference. It seems reasonably certain that the prize court provided for by a convention of the Second Hague Conference, improved by a subsequent amendment and supplemented as it will be by the declaration of London, providing the law which it is to apply, will be finally constituted by the Third Hague Conference. We will then have the great example of an international judicial court for the settlement of questions arising out of maritime war.

When we come to the improvement of the system of arbitration for questions arising in time of peace the situation is more difficult. One important suggested improvement is the establishment of a permanent court of arbitral justice, for which Dr. Scott has labored so long and earnestly. But if we should not secure such a tribunal at the next conference, we should

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not be discouraged no matter how clearly we can see the theoretical and logical advantages of a permanent as against a transitory court. Here again there are practical matters which must be taken into consideration. The present Hague court, with its shifting membership, allows for adjustment to meet the divers requirements of the parties, in each case with respect to law and language. As a practical matter a permanent court of arbitral justice means a court in which French is spoken, and Continental legal ideas prevail. It means that the United States will go into that court with all the disadvantages with which a stranger in a foreign land, who does not speak the language of the country goes into its municipal tribunals. No matter how well the court is disposed he is at a disadvantage. The ultimate goal is clear. The ultimate advantages of a permanent court of arbitral justice such as has been proposed cannot be disputed. The time and the means by which this goal should be reached must, however, be affected by practical considerations. Whether or not the fullness of time for such a tribunal has now arrived is a question for serious discussion and consideration. In any event, however, we have reached the point where we can feel that the ultimate success of our cause is assured, and that ultimately nations, like men, will conquer peace by achieving justice. (Applause.)

The CHAIRMAN: The proper attitude of the next Hague Conference toward the laws of war is the next topic on the program. As was the case with the previous speaker you will be glad to learn that we are to be addressed by a gentleman of very wide experience in the matter of arbitration, a distinguished member of the Bar of the District of Columbia, Agent of the United States in the Pious Fund Arbitration before The Hague Tribunal, the first case submitted to it, and for whose trial it was called into being, Umpire of the Italian Venezuelan Claims Commission and author of a capital little book on International Arbitral Procedure—the Honorable JACKSON H. RALSTON.

THE PROPER ATTITUDE OF THE HAGUE CONFERENCE TOWARD THE LAWS OF WAR

ADDRESS OF HON. JACKSON H. RALSTON

In what I have to say this morning, I want you to accept one thing as a postulate, and that is that war represents the abnormal state of society; that it is an evil, if not a crime; that it is a disease. Whether a crime or merely an evil, or a disease, it is to be limited, proscribed, interfered with in every possible way in its operations by those who are normal and healthy, and is not to be coddled or favored, or its purposes furthered by the action of a Hague Conference or of any other assemblage of

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men. The fault I have to find with the last Hague Conference is that it took the second of these positions, and not the first. The hope I have to express for the next Hague Conference—and I am sorry to say that it is a hope rather than an expectation—is that its attitude will be the reverse of that of the last.

Speaking merely in terms of arithmetic, I find in going over the work of the last Conference there were but two conventions signed having any relation whatsoever to questions of peace and arbitration, and that there were twelve conventions signed having direct relation to matters of war. One to six. But this, if you please, is not, from my point of view, the most serious thing to take into consideration. If we were framing laws against crime or evil or disease—and I am speaking of war as offering analogies to all, and will use the word crime as more apposite for the purpose of illustration—we would say that such laws should be framed by those who do not expect or intend to commit crime and should not be framed by those who, in the back of their heads, have an intention or expectation, sooner or later, of engaging in it. Mr. Chairman, it is all in the point of view. We want the laws formulated by the next Hague Conference to be framed from the standpoint of those who do not expect and do not intend to go to war. We do not want the laws of war framed, as they have been in the past and were at the last Hague Conference, by those who do expect sooner or later to engage in war and who want their warlike operations facilitated—made easy. Herein lies the gist, if you please, of my criticism of the operations of the last Hague Conference and my reason for advocating a change of attitude on the part of the next Conference.

To illustrate more in detail: If we come together, we who do not intend to commit offenses, and organize and pass laws covering them, there are certain things to be considered from a sane, healthy point of view.

First, we agree that crime ought not to exist, merely as a matter of morals, because of the effect of its commission upon the persons engaged in it and because of its bad moral influence upon the whole community. Let us take this as a starting point.

Next we go further and say—for this we do in our national laws, civil and criminal—that if offenses are committed the damages they inflict upon those who are no parties to them shall be minimized to the last possible degree, and we further say that the person who commits them shall gain no possible benefit from doing it. These are the propositions which appeal to us when we are dealing with crime pure and simple. I do not speak of the element of retributive justice. That offers considerations which are aside from the purposes of this address.

When war was dealt with and the prevention of it considered

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at the last Hague Conference it was dealt with in a vague and inefficient manner, as, while a pretense was offered of checking it by arbitration, this was hedged about in every way by limiting the circumstances under which arbitration should be practiced. In the back of the heads of those framing the Convention was all the time an expectation that the nations they represented would find it convenient to go to war at some time. Let us ask the next Hague Conference to get rid of that expectation, to put the problem before it as if the principals did not intend to go to war and did not propose to have any excuse for it. Then we will have an infinitely better arbitration treaty to commence with than we have today.

Go a step further. I said if we dealt with national offenses we sought to circumscribe them and to prevent outsiders from being injured and to restore them as far as we could in their persons and estate if they were injured, but when we have sent our United States delegates to The Hague have we viewed war from such a standpoint? No, except it be in the very slightest possible degree. We have resorted to expedients, we have tried to trim war a little here and there. The proper viewpoint was that the right of the neutral should be preserved and the power of the combatant limited.

Why do we say that we have heretofore failed? We have recognized, for instance, the absolute propriety of blockades. What are blockades except interference, not only with the right of commerce generally, but direct interference with the rights of neutrals? What natural right has the combatant to say to me who happen to be a neutral—"you shall have nothing to do with another man," when it is to my interest and advantage to trade and deal with that other man? I say we accept blockades and treat them as if they were a natural thing. We don't stop to consider the fact that a blockade is a direct interference with the rights of neutrals, with which we have had to put up for hundreds of years and as to which, if we regard the rights of peace and the wrongs of war, we must change our attitude. We must demand that the neutral shall not be interfered with in his natural right to trade, at the will of any combatant.

Another illustration, largely discussed at The Hague, and which perhaps will come up in some shape at the next conference, from which we can demonstrate what I mean by the point of view. The last Hague Conference, with a great deal of ingenuity, after extensive debates, determined that floating mines in times of war might be placed in certain areas of certain waters and certain other mines should become extinct or harmless after a given number of hours, and under particular circumstances, mines should be cleared away from the possible pathway of commerce, and it did not enter into the minds of

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its members to consider that the placing of a floating mine where neutral commerce might exist, was an outrage on the rights of men. Never once did it occur to them, instead of writing these lengthy regulations, to say simply this: That the nation which places floating mines or other obstructions to commerce, from which innocent parties might be injured, should itself be held to the strictest responsibility for the damages inflicted. If they had put in those few words and had enabled a neutral who was injured to go to The Hague for damages—if they had put in those few words, they could have done away with all the regulations in The Hague treaties. And then they would have recognized the right of the neutral to his perfect freedom of trade and they would have recognized the responsibility of the man or nation interfering with such freedom of trade. (Applause.)

But we say, speaking in terms of the laws of war generally, that the neutral who is injured by the accidents of war has no remedy whatsoever. I say that is wrong, that the powers which undertake to go to war should be held responsible for the incidents and accidents of war and there is no reason on earth why nations taking the law into their own hands should not be held responsible just as individuals are held responsible under like circumstances. If I see an enemy before me and fire a gun intending to hit that enemy and I hit some one else, I am held responsible. I cannot say that it is one of the accidents or incidents of dueling. The law takes hold of me and holds me responsible. But in the case of nations there is no such responsibility. Again, we permit the sale of arms and it is not forbidden internationally or nationally. We permit this sale to people engaged in warfare, overlooking the fact that such conduct is as right, as moral, as it is to put a gun and ammunition in the hands of a man crazed with anger and trying to kill his fellow. One act is no more moral than the other. Limiting ourselves to consideration of the principle this must be admitted.

Once more, if two nations in Europe go to war, no matter for what reason, they can float their loans for warlike purposes with any other nation. This again is a matter of utter immorality, as entirely immoral as it is to sell ammunition to a man, crazed with anger, trying to kill his fellow. There is no difference between the morality of selling a gun and ammunition to that man and furnishing him with the money, with which he intends, and you know he intends, to buy that gun and ammunition. And this must be dealt with as far as it can be by the next Hague Conference.

I said that we should deal with this matter on the same theory as we apply when we deal with matters of crime. We forbid the man who commits crime from gaining benefit from the act. If he kills a man to rob him do we allow him to enjoy the fruits

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of his robbery? If two men engage in a fight and one overcomes the other, do we allow the victorious one to hold the other down until he extracts from him as much money as he considers proper, in view of the fact that the successful man has encountered resistance? No, we do not. And yet, when we come to nations we allow the successful one to steal power and money from the unsuccessful nation, and do so without limitation. This is immoral—it is wrong. And if the laws of war were really laws, that is to say if they had the moral basis of law, it would be utterly and absolutely impossible for one nation to say to another—"we will not release our hold upon you until you give us such and such lands and such and such money." There is no difference in the morality of the several cases, and I know no objection that will stand the test of common honesty to the observations I am now making.

Yet we say nations are sovereign and we have no control over them. This matter of sovereignty as used in this connection is a fiction—a superstition. We say that corporations are individuals. For certain purposes they are to be treated as individuals. And yet if the Board of Directors of a corporation violate the criminal law, we deal not with the fiction of law, but with the realities of life. We deal with the members of the Board who do wrong, because of their wrongdoing. It is not an imaginary thing—an artificial sovereignty—committing wrong in connection with the so-called laws of war. It is a real thing composed of men, and these men should be regarded as offenders. We must, in short, look through the fiction of sovereignty to the real fact and admit no sovereignty that conflicts with moral law.

Now I express the hope, in conclusion, that we may learn to look at the laws of war from the true point of view, the point of view of health, sanity, common honesty and decency, or at least what I submit to you is such, and that we may demand of our delegates who go to the next Hague Conference, that they go not as representatives of a nation which intends, or at least expects, sooner or later to be obliged to engage in war, but as representatives of a nation which does not intend to go to war and which proposes to do everything in its power to make war impossible. (Applause.)

The CHAIRMAN: It is very trying to sit here and listen to addresses of a character from which one may happen to differ, and yet refrain from criticism or comment. Without forgetting that it is the duty of the Chairman to preside rather than to take part in the discussions, I shall, however, allow myself a remark concerning the attitude of the first and second speakers in the matter of war. It must be abolished, they say; it cannot be ameliorated. In this connection, I am reminded of an anecdote told by the distinguished publicist Alfred H. Fried. A

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missionary, who had spent many years in the Cannibal Islands, was asked if he had weaned their inhabitants from cannibalism. He replied hesitatingly: "No, I cannot say I have done that, but at least I have taught them to eat with knives and forks." (Laughter and applause.) War has not been abolished, but warfare has taken on some of the refinements and amenities of civilization. This may seem a small matter and a trifling change to those who condemn the system and who would banish it from the face of the earth; but it is a fact that from the desire to regulate war, a sense of justice has entered into the relations of nations, and that from the regulation of war that system of jurisprudence which we call the law of nations has largely sprung. This is indeed a very happy and a very comforting, though an unexpected, result. Thus, in this evil—and war is at least an evil, often a crime—with which we are confronted, indeed enmeshed and surrounded, we may nevertheless find this comfort—"from seeming evil still educing good"—that by the persistent regulation of that which should not exist, we have called into being a system of law by means of which peace will ultimately result. This is illogical; but then history is not always logical. (Applause.)

The CHAIRMAN: The next subject for discussion is The Codification of the Rules and Customs of Naval Warfare at the Third Hague Conference, and I assure you that it is more than an ordinary pleasure to introduce the next speaker, with whom I had the honor to be a fellow student at the same university—if President Eliot were not here I would say "his university"—fellow student at Heidelberg and co-worker, I am sorry to say with unequal success, in the same field—AMOS S. HERSHEY, Professor of Political Science and International Law in Indiana University. He has made himself known internationally by his admirable work on the Russo-Japanese War, and more recently by his little volume entitled, "The Essence of Public International Law," which is not only a valuable contribution to the subject, but a distinct credit and honor to American scholarship. It is therefore a very great pleasure to introduce him to you, although he has to speak upon a subject which, according to the last speaker, should be tabooed at the Third Hague Conference.

THE CODIFICATION OF THE RULES OF NAVAL WARFARE AT THE THIRD HAGUE CONFERENCE

ADDRESS OF AMOS S. HERSHEY, PH.D.

Among the wishes expressed by the Second Hague Peace Conference in its Final Act is the following:

"The Conference expresses the wish that the preparation of

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regulations relative to the laws and customs of naval war should figure in the program of the next Conference, and that in any case, the Powers may apply, as far as possible, to war by sea the principles of the Convention relative to the Laws and Customs of War on Land."

It is my purpose merely to point out how far the Laws and Customs of War at Sea have been codified, to indicate such corrections or additions as seem desirable, and to urge the union of the various existing fragments or Conventions thus revised into a single Code.

The Hague Conferences of 1899 and 1907 have furnished us with an admirable Code of Regulations respecting the Laws and Customs of War on Land which, though it may require some additions and corrections, is fairly complete. The Conference of 1907, the Declaration of Paris of 1856, and the London Naval Conference of 1909 have given us fragments of a Code of Rules respecting the Laws and Customs of War at Sea, but these should be revised, supplemented, and united into a single code at the Third Hague Conference.

Let us commence with the Seventh Hague Convention on the Conversion of Merchant Ships into War Ships. This might well be enlarged into a section dealing with "Lawful Belligerents." It might begin with Article I of the Declaration of Paris of 1856: "Privateering is and remains abolished." Then should follow a statement of the conditions under which the laws, rights, and duties of maritime warfare shall apply to merchantmen. It may be noted in this connection that the conditions laid down in the Seventh Convention of 1907 need to be supplemented by the prohibition of conversion of merchantmen into warships on the high seas and in neutral ports. Perhaps the objecting Powers—Germany, Russia, and France—would be ready to consent to the prohibition of conversion on the high seas. Certainly they would hardly claim the privilege of conversion in neutral ports.

The Eleventh Hague Convention places certain Restrictions on Capture in Maritime Warfare. It provides for the inviolability of postal correspondence, the exemption of boats used in coast-fishing and of vessels charged with religious, scientific, or philanthropic missions. To this list might be added cartel ships, licensed vessels, and hospital ships.

The rules governing the treatment of prisoners taken in land warfare should be extended to those taken in naval warfare. The treatment of the sick, wounded, and shipwrecked in naval warfare is very satisfactorily dealt with by the Tenth Hague Convention for the Adaptation of the Principles of the Geneva Convention (of 1906) to Maritime Warfare. It probably requires very little revision or elaboration.

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One of the most important of The Hague Conventions is the Eighth, which professes to regulate and restrict the use of Submarine Mines. This Convention needs serious revision in the interests of humanity. The use of unanchored automatic contact mines should be altogether forbidden in accordance with the British proposal, and the ambiguous word *sole* should be stricken from Article 2. This Article would then read: "It is forbidden to lay automatic contact mines off the coasts and ports of the enemy, with the object of intercepting commercial navigation (not "sole object," etc.). Other defects might be pointed out, but the main defect of the Convention relating to Submarine Mines is its failure to prohibit the laying of mines, floating or unanchored, on the high seas. Belligerents should also be forbidden to place mines off the coast of the enemy for all purposes of commercial blockade, though in certain cases they might well be permitted to use them for the protection of their own coasts at some distance beyond the three-mile limit.

The Ninth Convention regulating Naval Bombardment is fairly adequate.

The Declaration of Paris laid down the following important rules of exemption from the right of capture at sea:

"The neutral flag covers enemy's goods, with the exception of contraband of war. Neutral goods, with the exception of contraband of war, are not liable to capture under enemy's flag." These rules, together with Articles 56-60, respecting Enemy Character adopted by the London Naval Conference of 1909, might well be included under a section headed "Enemy Character." It is to be hoped that the United States, the sole champion of this survival of Toryism in International Law, will no longer insist upon the law of domicile as applied to capture in maritime warfare, but will range herself on the side of the other great maritime Powers in favor of the principle of nationality. Much of the law of domicile, at least as applied to maritime capture, is, or should be, regarded as obsolete. It is based upon the antiquated conception of war as a hostile relation between individuals as well as between states, and upon an exaggerated idea of the importance of the capture of property, *which might possibly* increase the enemy's resources. It is an illiberal and complicated system—a travesty upon justice supported by legal casuistry.

An important subject which has not been codified, but which should be dealt with at the Third Hague Conference is the Capture of Enemy Goods and Vessels, and the Treatment of Prizes. It would be superfluous to repeat here the many weighty arguments in favor of exemption from capture of unoffending private enemy property at sea. That, I judge, would be carrying coals to Newcastle, and most of you will doubtless agree that

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the principle should be adopted by the Third Hague Conference. I merely venture to suggest that if such great maritime Powers as Great Britain, France, and Russia cannot be persuaded to accept the principle of immunity of private enemy property at sea, they might possibly be induced to restrict the right of capture of enemy goods and vessels to such seizures as are absolutely required by military necessities. They might also, perhaps, be induced to agree to permit such trading between enemies as is not incompatible with military aims or necessities. It is difficult to see why it should be deemed necessary to confiscate either the vessel or the goods in the case of such merchantmen as may have been captured from a sense of military precaution or necessity. Sequestration or pre-emption would surely be sufficient in such cases. A fuller agreement as to the conditions under which merchantmen may be converted into warships in time of war would also materially assist in the solution of this problem which is not so difficult as it is sometimes made to appear.

The Hague Conference of 1907 also adopted a Convention—the Thirteenth—on the Rights and Duties of Neutral Powers in Maritime Warfare—which merits great praise, but contains some glaring defects. The most important feature of this Convention is perhaps the successful incorporation of the First Rule of the Treaty of Washington (1870), binding a neutral government to “employ the means at its disposal (the modern version of the phrase *due diligence*) to prevent the fitting out or arming of any vessel within its jurisdiction, which it has reason to believe is intended to cruise, or engage in hostile operations against a Power with which that Government is at peace”; and also to “prevent the departure from its jurisdiction of any vessel intended to cruise or engage in hostile operations, which has been adapted in whole, or in part within the said jurisdiction to warlike use.”

In view of the inadequacy of these prohibitions and the violation of these principles during the Russo-Japanese War, would it not be well to take a step or two even beyond these rules and broadly declare that a neutral government is bound to use due diligence (or the means at its disposal) not only to prevent the fitting out, arming, or equipping within its jurisdiction and departure from its territory of any vessel intended for the use of either belligerent, but also the construction, sale and exportation of any warship whatsoever for, or to any other than a *bona fide* neutral purchaser? Nay, would it not be well to go still further and insist that a neutral State is bound to use such means to prevent the construction for, or sale to a belligerent purchaser, or the exportation to a belligerent destination of any vessel which is adapted or readily convertible to belligerent use?

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The most glaring defects of the Thirteenth Hague Convention are the inadequacy of the rules limiting the duration of sojourn of belligerent armed vessels in neutral ports and the supply of fuel to warships proceeding to the seat of hostilities. It also allows neutral Powers to admit prizes into their ports. The latter practice should be altogether prohibited. In no case should a belligerent armed vessel be allowed to remain in a neutral port longer than is absolutely necessary to procure innocent supplies or to effect repairs requisite for insuring sea-worthiness. The supply, in neutral ports and waters, of coal to a modern battle fleet or warship engaged in an errand of destruction, should be wholly forbidden.

In conclusion, I would simply point out that a complete Code respecting the Rights and Duties of Neutral Powers and Persons in Maritime Warfare, should incorporate the Rules respecting blockade, contraband, continuous voyage, non-neutral service, the rights of convoy, etc., adopted by the London Naval Conference of 1909, with such additions and corrections as may be deemed necessary. It should also include a section or sections covering the rights of visit and search, the capture of neutral vessels, and their condemnation by prize courts. (Applause.)

The CHAIRMAN: The next topic on what has proved to be an extraordinarily interesting program is entitled, "The Existing and Proposed International Courts as Subjects for the Deliberations of the Third Hague Conference," upon which Mr. ARTHUR K. KUHN of the Bar of New York will speak. Young in years but rich in experience, he has the very great distinction of substituting for Professor Moore in the subject of private international law at Columbia University and he has enjoyed the advantage of studying in Europe and acquiring his knowledge on the subject under the guidance of Professor Meili of the University of Zurich, where he will himself deliver a course of lectures during the next year.

THE EXISTING AND PROPOSED INTERNATIONAL COURTS AS SUBJECTS FOR THE DELIBERATIONS OF THE THIRD HAGUE CONFERENCE

ADDRESS OF ARTHUR K. KUHN, PH.D.

Among the problems which will confront the approaching Third International Conference at The Hague no subject is more important in its bearing upon the propaganda of peace than the work of improving and extending the scope and operation of the international legal bodies succeeding to the battlefield as arbiters of international disputes.

Not long after the Second Hague Conference had concluded

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its deliberations, an amusing cartoon appeared in an European newspaper representing an imaginary battle of the future between two great Powers. The officers on either side grasped their swords in one hand, while in the other, each held a treatise on the amended and humanized laws of warfare, to which they seemed to be paying closer attention than to the actual combat. As an ideal, this is as it should be, but the difficulty is that when rules become so restrictive as to render impossible the playing of the game, we have no assurance that the game and not the rules will be abandoned. Because if it were intended that the game should not be played at all, there would be no rules whatever. And the experiences of actual warfare since the Conference of 1899, do not encourage us in believing that where the rules interfere with the game, the combatants will continue to adhere to them scrupulously.

There are no such dangers in the process of refining the rules for the peaceful wager of arbitration. On the contrary, the more certain and definite the regulation of the judicial arbitrament, the more readily will nations have recourse to it. It is therefore in this field of labor of the Conference that the greatest hopes are centered and we may truly say without exaggeration that here the greatest progress has been and is to be made.

Since the Second Hague Conference, the International Court of Prize has been constituted in the manner then and there contemplated and substantially agreed upon. Accordingly, we need not devote much attention to it at this time, especially as it presupposes a state of war and is not a court for the prevention of war through arbitration. It should not be forgotten, however, that the rights of neutrals may be determined by the Court. Hence its authority and orderly procedure will also tend toward the pacific settlement of international disputes originating in warfare, thus impeding the spread of war.

The proposal made at the Second Hague Conference for the establishment of an International Court of Arbitral Justice in contradistinction to the existing panel of judges from which the nations having recourse to The Hague may and do, from time to time, constitute a court, was not intended as a substitute for the existing court but as a new and additional organ operating with international sanction for the pacific settlement of disputes between nations. To dislodge the existing tribunal from the position it has attained, after an experience of only fifteen years, and to *substitute* for it another court, however promising the latter, would, it seems to me, be surrendering a present advantage for a future possibility. This was not the intent of the proposal when made in 1907, but in order to gain support for the new court, so much enthusiasm has been expended upon it and so much criticism has been directed to some of the fea-

tures of the existing tribunal, that the mind of the layman, at least, has, I fear, been led to believe that in being "on with the new" we are to be "off with the old." Let not the opinion gain ground that we are to try a new experiment because of the failure of an old one. In the educational campaign which is now being waged for the new court, let it clearly appear that it is to be a new organ with new functions, permanent as a court, not merely as a panel, continuous in its judicature, administering law divested of mere compromise and hence, within its sphere, a *new* force making for the peace of the world.

Nor is there anything inconsistent with the existence of such a court side by side with the existing tribunal. With the establishment of the new court, the jurisdiction of the old will probably tend to apply more and more to controversies which lend themselves to compromise, rather than to categorical determination. It is a well-known fact that private suitors, especially merchants, frequently resort to arbitral tribunals composed of arbiters chosen by themselves *ad hoc*, or to so-called permanent arbitral tribunals established by boards of trades or chambers of commerce. The practice is much more common in foreign mercantile communities than with us, but the practice is familiar to us also and fortunately increasing in favor. We know that such arbitrations are not only sanctioned by, but have the encouragement of law. The disputes which are referred to them are of a nature which readily yield to compromise and involve differences of technical opinion and the interpretation of agreements.

Just as these extra-judicial tribunals exist side by side with the established national courts, so may we conceive of the existing Arbitral Tribunal of the Hague continuing to deal with questions where national honor is affected and where compromise is not only possible but desirable. In respect of such disputes, nations may be more readily disposed to contemplate a submission to an arbitral tribunal and more amenable to the final acceptance of the decisions when finally rendered. To speak of abolishing the tribunal because it fails to meet the ideals of abstract justice, or because it summons to its aid some of the gentler methods of diplomacy and refuses to adopt the unbending motto of classical justice, "*Dura lex sed lex*" is to forget that the tribunal was established to meet conditions as they exist in our international life and not to prove a theory. Negotiation, diplomacy, mediation frequently fail of their purposes where a tribunal like that of The Hague, though partaking somewhat of a diplomatic character, often will and does succeed. So much for conservatism—now for progress.

On the other hand the jurisdiction of the proposed International Court of Arbitral Justice should be distinguished from

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the existing tribunal by its *obligatory* character. I confess considerable difficulty in conceiving of a court with all the name implies and with all the authority which it is intended to have, dissociated from a power to entertain a complaint and render a decision upon the application of one party after due notice to the other. Without the power to initiate proceedings upon a subject-matter within its jurisdiction, the court would fail to respond to the hopes now entertained for it. Let its jurisdiction be ever so small as to subject-matter, but within that jurisdiction, let the nations of the world submit to the principle of obligatory arbitration by judicial decision.

The principle of obligatory arbitration within certain restricted lines has undoubtedly made progress at and since the Second Hague Conference. The acceptance of the so-called Porter proposition with respect to pecuniary claims arising out of contract was accepted at the Second Hague Conference. Would it not be proper and fitting to accomplish jointly what many nations have by their general treaties of arbitration accomplished in pairs, by means of a definition of jurisdiction for the proposed International Court of Arbitration, extending to that court jurisdiction of obligatory force in respect of a limited number of subjects? Of course, it is recognized by all that the court must of necessity lack a bailiff or marshal either to hale a nation into court or to seize its goods and credits after the decision. But the whole spirit of the agreements at The Hague are upon the basis of the honor and good faith of nations, and we may assume, once and for all, that when the nations have constituted the court and have created the power to hear and determine a limited number of issues upon the application of one party and after due and timely notice to the other, that its mandates will be observed and its decisions given equal, if not greater, authority than those already rendered by the existing tribunal.

After long debate, though favorable to the principle of compulsory arbitration, the Second Hague Conference failed to adopt any of the projects for a definite treaty. Would it not be wise as well as feasible to include in the organic law creating the court, the beginnings of an obligatory jurisdiction, let us say, for the interpretation of treaties and the determination of pecuniary claims arising out of contract. The jurisdiction of *national* courts is fixed by the organic law creating the court. It ought to be so also as to international courts.

Since the Second Hague Conference much attention has been devoted to the development of settled rules of procedure before the existing tribunal, instead of having the procedure determined for each case by the tribunal itself. It has been said that the time is ripe for an international code of arbitral procedure applicable to both the existing and the proposed court. I am quite

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willing to agree that the practice of the tribunals which have already been constituted under the existing Convention has developed the necessity for permanent rules of practice in the submission of case and counter case, the order of debate, the manner of presenting evidence and the like. The experience of the practicing lawyer leads to the belief that codes which are not founded upon long established practice are apt to be short lived. It is for this reason it would be inadvisable to crystallize the practice of the court as a whole in the form of a code. However, certain broad, general rules, essential in the orderly submission of all controversies should be established for both the existing and the proposed court.

Nations will more voluntarily submit to the jurisdiction of tribunals the nature of whose functioning is known to them in advance. I do not think I am divulging any secrets of state when I say that shortly after the decision of The Hague Tribunal in the Japanese House Tax Case, one of the counsel for Japan stated to me that he doubted whether his country would ever again enter into an arbitration at The Hague unless the procedure of the court was established by international convention or agreed upon in the *compromis*.

As to the successful establishment of the proposed court: We know that the principle of the court was agreed upon at the Second Hague Conference and that it failed of actual establishment only by reason of disagreement as to the size of the court and the manner of choosing the judges. In order to have the largest possible representation of the various nations upon the court, it is manifestly necessary to have a large number of judges. The number of fifteen does not seem sufficiently large to give this representation. We see no reason why the nations should hesitate to establish a larger court, both because there is dignity in numbers and further because in the event of a divided court there is likely to be less dissent or dissatisfaction with a numerous majority.

We should recall also that national courts of ultimate appeal are usually made up of more judges than the number suggested. The number of judges who sit as a Court of Appeal in the House of Lords and in the Privy Council, while not determined, is nevertheless large. In the House of Lords, three Lords of Appeal are associated with all other peers who hold or have held office in the Supreme Court of Judicature in England, in courts of corresponding grade in Scotland and Ireland and in the Judicial Committee of the Privy Council. The Judicial Committee of the Privy Council consists of the Lords of Appeal in Ordinary, one or two former Indian or Colonial Judges, all the members of the Privy Council who hold or have held high judicial office and of two other members, if the Crown thinks fit to

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appoint them, so that usually about twenty judges may be found sitting in a cause.

The Court of Cassation in France consists of three Chambers in each of which are sixteen judges. The Imperial Court of Germany consists of more than fifty judges sitting in bodies of seven; but for certain classes of questions the court sits *in pleno*. The Supreme Court of Sweden is composed of not less than twelve nor more than twenty-one judges.

Our own Supreme Court seems to be the exception rather than the rule, and the comparatively small number of judges may be attributed to the fact that its jurisdiction was deemed narrow. Had its founders foreseen the wide scope of its jurisdiction as we know it today, its personnel would surely have been more extended.

For these reasons an international court of the high dignity and authority contemplated, might very well have a larger personnel than proposed. In this manner a more widely distributed representation may be obtained and the objection which prevented its establishment at the last Conference finally eliminated. In view of the precedents for national courts, a court of twenty-one or twenty-five would not be unwieldy. Neither would the additional expense be appreciable in proportion to the purpose to be accomplished. Even with an enlarged court, it cannot be expected that all of the nations should be represented, but certain smaller nations having approximately similar interests might be grouped for joint representation.

On the other hand, the objection of a few nations should not impede the final accomplishment of a plan so important to the progress of the world. Mr. Root in issuing instructions to the American delegation to the Second Hague Conference was careful to admonish the delegates not to carry any of their views to the point of irritation. He said that: "After reasonable discussion, if no agreement is reached, it is better to lay the subject aside, or refer it to some future Conference in the hope that intermediate consideration may dispose of the objections." This advice was wise and thoroughly in keeping with the character of the instructions as a whole. But where a large number of nations, including all the great Powers, are in agreement upon any question, as indeed they were upon the principle of the proposed court, the objections of a few should not again be permitted to prevent its realization. No nation may be coerced in accepting the plan but when a sufficient number have accepted to ensure the dignity and authority of the court, it should spring into life, perhaps not fully panoplied like Minerva from the head of Jove, but adolescent, like the young Siegfried, unconscious of its strength, yet destined in the end to slay the foul dragon of War. (Applause.)

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The CHAIRMAN: Mr. EDWIN D. MEAD of Boston, Director of the World Peace Foundation, needs no introduction to this audience, where, to quote a felicitous line from Lowell, "His name has grown sweet as honey on the lips of men."

THE UNITED STATES AND THE THIRD HAGUE CONFERENCE

ADDRESS OF MR. EDWIN D. MEAD

The most important fact which now confronts the peace party of the world is the Third Hague Conference. The most imperative duty of the peace party of this country is to see to it that the preparations for the program for that Conference, so far as we can affect them, are of the broadest character, and that everything is done on the part of ourselves and our friends in this country to create the right public opinion with reference to that program, in order that the Conference may bring the largest results.

Those of you who are familiar with Mr. Root's masterly instructions to our delegates to the Second Hague Conference will remember how he emphasized the fact that the Second Conference must be viewed not more with reference to its definite results than with reference to the foundations which it was to lay for great results in the future. Mr. Root thus emphasized the principle of continuity, which thought has determined the American action and attitude in the whole Hague movement.

With reference to the Conferences at The Hague we Americans are in a singularly interesting and significant position. I do not believe, for one thing, that there is another nation whose documentary history of its relations to The Hague is so important as ours. There is certainly no other which has furnished through its leading representatives contributions to the history of the Conferences comparable in volume, variety, and importance to our own. The four men who, as respects achievement, have been our most important representatives at the two Hague Conferences have given us the best accounts of those Conferences. These were Andrew D. White, head of our first delegation, and Secretary Holls; and at the Second Conference, Mr. Choate, head of the delegation, and the technical secretary or adviser—I am obliged to say it in his presence—Dr. James Brown Scott. We have that singularly fascinating and impressive account by Mr. White of the First Conference, and the account of both Conferences, in the second of which he was so prominent an actor, in Mr. Choate's lectures; and we have the full histories by Mr. Holls and Dr. Scott. No other nation, I say, has such a record as this.

The instructions to our delegates by Secretary Hay and Secre-

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tary Root were of the most significant character; and in considering our attitude to the Third Conference we shall gain much by a careful study of the instructions to the delegates at the earlier Conferences. We shall not approach the issues aright except along the lines of evolution and upon the principle and in the spirit of continuity which I have said has characterized our American attitude.

The instructions by Mr. Hay, and I say it with all respect, are not comparable in importance to the instructions by Mr. Root. I think that in certain aspects they are distinctly lacking in the statesmanship demanded. But that at this juncture amounts to little and need not be emphasized. The important thing is that his instructions did lay emphasis upon two or three things which were of signal and urgent importance. Those of you who are familiar with the history of the two Hague Conferences will recall that the programs were supplied by the Russian government; that the program for the first Conference was under eight heads,—that there were eight subjects suggested or laid down for consideration; and that similarly the Russian government submitted the program for the Second Conference. Our American delegation never did a greater service to the world than when, in pursuance of the sagacious instructions of Mr. Root, they brought it about that never again should Russia or any other single power supply the program for The Hague Conferences.

With reference to the First Conference, students will remember that Mr. Hay dealt very lightly with all the points between the first and the eighth. The first point was concerned with the effort to bring about the limitation of armaments, and the eighth looked toward mediation and arbitration, the judicial and peaceable settlement of disputes. Mr. Hay passed over the rest lightly. The first he discussed, but he concluded it to be merely a European problem. It is true this was before our own navy craze had assumed its large proportions; but Mr. Hay failed to see as Mr. Root saw how much the United States might precisely here do for the world. But he dwelt with luminousness upon the last point; and vastly more important than the general text of his instructions were the two sections in the appendix, in which he outlined at length the part which the United States had played for two generations in agitating for an international tribunal and himself submitted a plan for such a tribunal for consideration by the Conference.

It was expected that Mr. White would be present with us today. We regret indeed his absence from a discussion to which he could have made a memorable contribution. I wish he could tell us sometime while he is still with us what the stages were between the submission to the various experts upon the subject

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at the First Hague Conference of this plan in Mr. Hay's instructions and the bringing in by Lord Pauncefoot of the plan for an international tribunal which became the basis of discussion and of action. I believe it was the action of the United States which gave the original prompting to the consideration of what became the great achievement of the First Conference; and I think we shall find when the full history is written that things done here at Mohonk in 1895-8 had a genuine genetic significance and bearing on the situation.

What Mr. Hay further did, going beyond the Russian program—and Secretary Root returned to the point—was to bring forward the question of the immunity of the peaceable ocean commerce of belligerents and to develop this as a historical American doctrine. You will remember that the greatest speech on that subject made at the First Hague Conference was by Mr. White, the head of our delegation; and that in the general consideration of the eighth point submitted in the Russian program and dealt with by Secretary Hay, few things were more important than the taking up at the instance and chiefly through the effort of Mr. Holls of the idea of commissions of inquiry, which, at the Second Conference, was further developed, and which has now become a cardinal feature of Secretary Bryan's policy in the further development of international organization, extending the principles which he developed in his speech before the Interparliamentary Union in London in 1906.

Consider for a moment—and I am not given to Chauvinism, and do not recur to this for the stirring of any improper national pride, but simply to emphasize the immense services of the United States in this last Conference, that we may view them in the proper light—two or three significant things. It was due to the efforts of Mr. Choate and Dr. Scott that the world cannot forget that the Second Hague Conference met through the initiative of the United States and not the initiative of the Czar of Russia, a fact not recognized in the first draft of the preamble of the final act. It was through the initiative of the United States that it was provided by the Second Hague Conference that at least a Third Hague Conference should meet—which we know means a fourth and a fourteenth; and provided that the machinery should be constituted whereby the convening of the Conferences and the programs should be regularized, the machinery be made international, and the organization of the Conference itself free and international. These things were brought about by our American delegates at the Second Hague Conference,—and they are of immense moment.

With reference to our duties at the Third Hague Conference, we should realize there so far as we did not realize it at the Second Conference the great program of Mr. Root submitted

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for that Conference, with one or two additions which our subsequent experience prescribes. Mr. Root took up the Russian program for the Second Conference as it was submitted, the program this time including the discussion of the immunity of the private property of belligerents at sea. He added two important proposals, one of which became, through General Porter's splendid efforts, the law of the world at that Second Conference, viz., the limitation of force in the collection of contractual debts. The other point Mr. Root developed with great power. It is a thing of cardinal importance for us Americans to remember that Mr. Root deplored the fact that Russia in her second program had left off the question of limitation of armaments, which was her main concern in calling the First Conference. In urging that this should have a place in the program, he addressed, in 1906, a special letter to the Russian government, which is incorporated in his final instructions to our delegation, giving the reasons why he hoped the nations of the world would not neglect the consideration of that monstrous burden and menace with regard to which The Hague Conference had been originally proposed. Briefly before our delegates departed, Mr. Root made that memorable speech at the great New York Peace Congress, in which he called upon the American people, the American peace party, to work for the creation of such a public opinion and influence as would secure and enforce the serious attention of the governments to the question of the limitation and reduction of armaments.

Mr. Root developed in his instructions the idea of a court of arbitral justice, which was worked out in its details chiefly by Dr. Scott at the Second Conference,—emphasizing the immense importance of the treatment of great classes of cases under the stricter rules of law and equity rather than in a diplomatic or arbitral way. He took up again also the question of the immunity of private property at sea in war.

In approaching the Third Conference, there are certain things not touched upon by Mr. Root in 1907 which should certainly be carefully considered. A strong word has been uttered here by Mr. Ralston upon the crime of permitting loans by neutrals to belligerents. Our honored friend, Oscar Straus, has spoken upon that subject from this platform. I wish that might be included in the instructions to our delegates; and I wish we might take up in earnest the matter which was taken up with considerable effectiveness by the First Hague Conference, but not adequately followed up at the Second, the question of forbidding the air to be added to the land and the sea as a theatre of war. Many analogies have been drawn between the war against slavery and the war against war. The free soil protest was one of the noteworthy factors in the war against slavery. A firm stand

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must now be taken to prohibit the extension of the area of war; and as the slogan at one juncture in the war against slavery was "Free soil," let us add that of "Free air" in our own contention. Let us maintain the freedom of the air from war. Let us work for the adoption of this important principle, and of the great principles laid down by Mr. Root in such a masterly way in 1907 that his instructions to our delegates to the Second Conference should be viewed as a classic, a veritable little Bible of international wisdom, by every one of us, until those prophecies and demands shall be fulfilled.

I think we are in an auspicious position especially as concerns the co-operation of Germany and England. You will remember that as regards the immunity of private property at sea, Germany stood with us at the last Hague Conference. It is a significant historical fact that the first treaty in human history in which the parties agreed that in case of war their merchant marine should remain free from capture was the treaty of 1785, signed by Franklin, Jefferson, and Adams, for us, with Prussia, Frederick the Great then being king of Prussia. That principle, held today, is a bond between Germany and the United States. We have noted how Mr. Root demanded the restoration to the program of the Second Hague Conference of the question of the limitation of armaments. That demand was also made by the Prime Minister of Great Britain, Sir Henry Campbell-Bannerman. Germany thus stands with us on one great issue, and Great Britain on the other; and indeed the party in favor of immunity in Great Britain itself, led by such men as Lord Loreburn, was never so strong as today. It is a happy augury that there is with us here today the man who brought into Parliament and secured the adoption of the demand that that question of the limitation of armaments should be placed by England upon the agenda of the Second Hague Conference, our honored friend, Mr. Henry Vivian. It was upon his initiative that Sir Henry Campbell-Bannerman took action.

Let us remember, finally, the four great principles which were laid down by Mr. Root in 1907 for American guidance. The first duty always, he said, is to make provisions to prevent disagreements between nations; the second is to dispose of disagreements without war; the third is to preserve the rights and interests of neutrals; and the fourth is to mitigate the evils of war to belligerents. The relative importance of these provisions he justly urged us to keep steadily in mind. It was said here yesterday that arbitration is more important than peace. I understand arbitration to be merely a means for the peaceful instead of the hostile settlement of disputes. Even that with Mr. Root is the secondary thing; the first is to root out the causes of war. A constant cause of war has been, as has been powerfully brought

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out here, the awful menace of armaments. The pregnant lesson of the Canadian frontier, so often touched upon in these days, we are in frightful danger of neglecting at Paríama. The great armaments are the chief hindrance to the development of arbitration itself.

If, in a word, I am asked what in my judgment we should seek to carry out at the Third Hague Conference, I should say work for the realization, with the additions I have ventured to suggest, of the things in Mr. Root's program for the Second Conference which were not then realized. I wish that Mr. Root himself might lead our delegation in 1915; for it is in the power of the Third Hague Conference to confer inestimable benefit upon mankind. Let us make Mr. Root's program our program; and let us especially bestir ourselves at this moment to bring it about that men of his temper and his vision are appointed to controlling place upon the preparatory committee which, through the sagacious foresight of our representatives at the Second Conference, will immediately be created to define the program for the coming Conference. (Applause.)

THE CHAIRMAN: The program of this morning is finished so far as the announced speakers are concerned. The subjects contained in the program and dealing with the Third Hague Conference are open for discussion.

Dr. BENJAMIN F. TRUEBLOOD: If Mr. Henry Vivian, of London, is in the room, I wish the Chairman would call upon him.

THE CHAIRMAN: Mr. Vivian.

Mr. VIVIAN: I am not prepared to take part in this discussion.

THE CHAIRMAN: A trained member of Parliament does not need time for preparation.

REMARKS OF MR. HENRY VIVIAN

First may I, as one of the three British delegates having the privilege of being at Lake Mohonk, thank you and, through you, the United States for the magnificent reception given to the British delegates in connection with their mission here.

Now, with regard to the points that have been presented at this Conference, and more particularly with regard to the point that has been discussed this morning, the question of the Third Hague Conference, Mr. Mead was good enough to mention my name. It is true I had the privilege of moving in the House of Commons some years ago that the subject of international reduction of armaments by mutual agreement should be placed on The Hague agenda for discussion. I wish to emphasize an obstacle to the realization of our ideals that comes from the growth of

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commercial interests in the production of armaments. I should like to see some of the energy and thought of those who are interested in this question of peace directed to frustrating in some special way the influence of those who have capital in, and who gain profit from, the production of armaments. Perhaps I have some special reason for directing attention to that point because in one sense I may be regarded as a victim of that kind of interest. I am sure you will forgive me for presenting this point and will not imagine I present it from a personal point of view. But it was practically a foregone conclusion when I submitted the armament resolution in the House of Commons that I had lost my seat, because the constituency which I represented derives great profit from the building of dreadnaughts. The interests in the production of armaments press their claim beyond the need for these armaments in the interest of the country. When once you have created in the minds of large numbers of people, with capital in these industries, the prospects or hope of gain, and when this hope permeates the city and district concerned, all thought of discussing the question of national need on its merits vanishes, the hope of gain is uppermost and all powerful. This is one of the difficulties we have to fight. In the working out of our program we must keep in mind that we desire to carry farther than civilization has yet done the idea that we widen the area of peace the more we widen the area over which binding contracts can be made. The degree to which we strengthen the conscience, both public and individual, as to the sacredness of international contracts, and the degree in which these contracts approximate to the highest standards of justice determines largely the possibilities of international peace. We are trying to widen the area of contract between nations. I am making this point because I disagree with my friend Mr. Norman Angell. I think international contracts or treaties are of vital importance in crystallizing public opinion around certain standards of international conduct. On the question of the neutrality of the Great Lakes, for example, Dr. Callahan tells us in his book on the subject that often during the hundred years people on both sides were giving vent to passion and calling upon the United States or ourselves to break from that neutrality and put gunboats on the lakes. But statesmen were able to say, "There is an agreement between us," and that settled the question. And the passion died down. (Applause.)

Mr. CHARLES E. BEALS: Does the committee to which is entrusted the task of formulating the program for the Third Hague Conference meet as an international joint committee or are the subjects submitted by various national committees? Is the committee appointed by the United States Government under the

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last administration to be the permanent committee of our government? Or will the new administration appoint a new committee or enlarge the present one? Personally I think Mr. Ralston's explanation of the failure to guard against the crime of war is the true one. There should be diplomats and statesmen on the United States committee and on other national committees. I should like to see the Mohonk Conference embody in its resolutions the recommendation for a new committee on which civilians may preponderate, or a recommendation that the present committee be enlarged so as to include such men as Senator Root, Senator Burton and Congressman Bartholdt.

THE CHAIRMAN: In response to the first question, I beg to say that the resolution contained in the Final Act of the Second Hague Conference merely states that the powers will concert as to the creation of a preparatory committee. I opine that the large powers, egged on by some progressive power, will come to the conclusion that it is time to bethink themselves of the appointment of a preparatory committee, with the result that the committee will be formed and will have at least as many members as there are powers. As regards the second question, I regret to say that I am not in the confidence of the Administration. Various countries have appointed national committees to consider what subjects should be recommended by them to the preparatory committee when constituted.

MR. RALSTON: A preparatory committee of three was appointed by President Taft. Can you tell us the names of that committee?

THE CHAIRMAN: It consists of the Honorable J. Reuben Clark, former Solicitor, representing the Department of State, Brigadier-General Crowder, representing military interests, and Rear Admiral Richard Wainright, representing the naval interests of the United States.

THE CHAIRMAN: Is there further discussion? Mr. HELM BRUCE, of Louisville, is recognized.

REMARKS OF MR. HELM BRUCE

I wish to emphasize the supreme importance of the establishment of a permanent international court, a judicial tribunal, as distinct from an arbitral tribunal. There has been no emphasis laid on this subject at this Conference such as it deserves. I do not mean substitution of a judicial for an arbitral tribunal, but the establishment of such a court separately. That, in my judgment, is to be the ultimate substitute—so far as there can be a substitute—for war. There must be some means of determining international controversies; and this must be either by diplomacy or by war or by arbitration, or by judicial determination. The

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idea of arbitration is as old as the centuries, between individuals, especially. Yet how little is arbitration used to-day between individuals! I don't know how much it is used in other parts of the country, but speaking of the community from which I come—Kentucky—I know arbitration among individuals is very rare, although it is favored by law to the extent that an arbitration may be enforced by compulsory legal process. It is quicker and cheaper than judicial proceeding, yet it is rarely resorted to because men are not willing to submit their differences to arbitration, although they are perfectly willing to submit to a court which decides according to *fixed principles of law*. Mr. Root has called attention to that. He has truly said that the difficulty is not so much in persuading nations to submit their controversies to impartial tribunals as to satisfy them that the tribunals to which they submit them will be impartial. It seems to me the thing to do is to go to the peoples of the world with the thought of submitting controversies between nations to permanent courts chosen, not for a particular case, but for all controversies of that character. And there is our ultimate hope.

I think we are peculiarly situated in this country, and that it is our duty to call attention to the judicial settlement of controversies between nations, because we are accustomed to it. Our Supreme Court for a hundred years has been deciding controversies between nations—that is, between states. Boundary controversies between them have often been decided there. We have now a controversy between Virginia and West Virginia as to how much of the old Virginia debt West Virginia should assume, and that has been tried, or is being tried, by the Supreme Court of the United States. I believe it is our business and duty as a nation of the world to call the attention of the people of that world to this subject. (Applause.)

The CHAIRMAN: If there is no further discussion I beg to call upon Mr. EDWIN M. BORCHARD, Law Librarian of Congress and expert in international law to the American Counsel in the recent arbitration of the Fisheries Dispute at The Hague, who has kindly consented, at the request of the Chairman, to say a few words on a subject of very great importance, intimately connected with the program and which will undoubtedly be considered at the Third Hague Conference.

JUDICIAL DETERMINATION OF CONTRACTUAL CLAIMS

REMARKS OF MR. EDWIN M. BORCHARD

I desire to say just a word on a certain phase of the program of the next Hague Conference which has not had the attention of previous speakers. A frequent cause of diplomatic difficul-

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ties is the case of breach of a contract concluded between a citizen of one country and a foreign government; for instance, a contract made in New York for the furnishing of clothing or steel rails to Venezuela, or the building of a bridge there. The legal and diplomatic difficulties now connected with securing a remedy for the breach of such a contract make it eminently desirable that these purely legal claims should be submitted to an impartial tribunal at The Hague. Let me explain why. If the citizen of New York (or it may be of Germany or Italy) should attempt to sue the Venezuelan government in his own municipal courts, he will be answered by the statement that by international law municipal courts will not take jurisdiction over foreign governments. The slight exceptions to that rule do not concern us here. I may add that even if he had a judgment he could not execute it against the foreign government. Again, should the citizen decide to sue the Venezuelan government in its own courts, experience shows that it is exceedingly difficult to get a court in Latin-America, generally, to decide against its own government. Again, legal remedies being ineffective, the claimant may resort to diplomatic methods of collecting his claim. He, therefore, presents it to his own State Department or Foreign Office. The practice of countries differs widely in this matter. The United States will not present diplomatically an ordinary contract claim, unless certain conditions exist. Germany has no such scruples. The remedy of the creditor therefore depends a good deal upon his nationality, which is an anomalous condition. Again, it is within the entire discretion of the Foreign Office to present or withhold the claim. Political considerations or expediency may make it advisable not to press the claim, so that here the creditor's remedy is dependent upon political considerations or conditions existing between his own government and the defendant government. For example, an unfortunately pressed claim may easily cause a diplomatic rupture, which governments usually seek to avoid. Again, when the claim is presented to the Foreign Office and taken up for diplomatic pressure, it is presented on *ex parte* evidence only. This usually results in the pressure of grossly exaggerated claims, and in the case of weak governments, to their payment. An independent tribunal, therefore, would relieve the defendant government of an irritating source of oppression. To sum up, therefore, the defects of the present system of remedial action both in municipal courts and through diplomatic channels, with the possibilities of injustice both to the creditor and to the defendant government, make it desirable and almost necessary that these purely legal claims should be presented to an impartial tribunal, neither in the claimant's own country nor in that of the defendant government. The creditor will be assured of a hearing, his own gov-

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ernment will avoid the necessity of being led into diplomatic difficulties through the presentation of the claim, and the defendant government will be assured against the pressure of exaggerated claims with all the incidental inconveniences and diplomatic difficulties which these situations create. We will be much more likely to secure at an early date the existence of a court of international justice sitting permanently at The Hague, if we find definite classes of cases which will keep such a court busy. To my mind, the class of cases mentioned, contractual claims, by their purely legal nature and by their constant occurrence, are eminently of the type which should be divorced from political considerations and submitted to a court for legal adjudication. The Berlin Chamber of Commerce has addressed a memorial to the Berlin *Reichskanzler* to instruct the Berlin delegates at the next Hague Conference to bring such a court and its jurisdiction into existence. The Lake Mohonk Conference may well recommend that Chambers of Commerce in the United States memorialize our Secretary of State to instruct the American delegates to the next Hague Conference to press this subject for consideration, with a view to submitting this class of claims to an international court at the Hague and perfecting the machinery of their adjudication. (Applause.)

The Conference then adjourned until evening.

Fourth Session

Thursday Evening, May 15, 1913

Mr. SMILEY: When it was arranged to have a separate presiding officer at each session, I was too innocent to foresee that the presentation of these men would bring me so often and so conspicuously before you. In truth, I thought the several men selected to preside were so well known that they would need no introduction. But the Executive Committee insists that it is part of my work, even in case of one so universally known and loved as he who does us the honor to guide our proceedings this evening, the President Emeritus of Harvard University, Dr. CHARLES W. ELIOT. (Applause.)

HOW TO ROOT OUT THE CAUSES OF WAR

ADDRESS OF CHARLES W. ELIOT, LL.D.

Wars and preparations for war continue, because many of the causes of war in time past continue to exist. The causes of war have, however, changed somewhat since 1848. Dynastic wars and wars in support of despotisms have practically ceased. The progress of democracy all over the world makes it reasonable to suppose that wars for dynastic motives and wars in support of absolute monarchs will henceforth be unknown,—so general is the movement toward constitutional government and free institutions, a movement from fifty to three hundred and fifty years old among the nations of the West, but comparatively recent in the East. Religious wars, which in time past have been so terrible among both Christian and non-Christian peoples, are little likely to occur hereafter on any large scale. Small outbreaks of religious fanaticism may occur locally; but it is altogether probable that religious motives for warfare will hereafter be incidental or secondary, instead of primary.

What, then, will be the probable causes of international war in the future? First, the survival of political or governmental institutions inconsistent with sentiments which in recent generations have gathered much strength. The first of these sentiments is the sentiment of nationality, vast, vague, and hard to define, but tremendously potent. It does not seem to need a common speech, or a pure race, or a smooth blend of slightly different races, or the same climate, or identity of the sources of livelihood. It is not necessarily based on similar histories,

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common traditions, or even the same religion. If we may judge from European and American experience, the sentiment of nationality is based on similar though not necessarily identical descent, on like social customs and needs, on like passions good and bad, on common ethical standards, and on a love of independence and liberty. It often includes a preference for a large, comprehensive governmental unit over a small one, or a preference for one strong national government over several discordant and jealous groups of the same nationality, each with its own independent but ineffective government. An active cause of war in Europe, Asia, and Africa during the nineteenth century and the opening of the twentieth has been the opposition of the powers that be, or were, to the unification of peoples of like nationality. The only way to root out this cause of war is to persuade publicists, governors, and voters in all the strong nations that the sentiment of nationality is supremely potent, indestructible, and rightful, and that the groupings which gratify this sentiment are the only durable ones.

Another sentiment which has caused innumerable wars in the past, and is still active in various parts of the world, is the objection to alien rule, especially when such rule, like that of the Manchus or the Turks, produces poverty and desolation, denies liberty, and prevents progress. The objection to alien rule, however, persists even when the foreign rule is in good measure just and beneficent. Recent events in both the near and the far East indicate clearly that the quiet government of large populations by an alien race is getting increasingly difficult, and may in time become impracticable. The sentiment appears on a small scale and a large, in barbarous and semi-barbarous countries, and in countries which have long been civilized. It may be successfully repressed for long periods, though recognized; and it may be long concealed by multitudes who feel it hotly; but it tends more and more throughout the world to break out at last, and win the day. To root out this cause of war, whether active or latent, publicists and statesmen must discover better means than force of obtaining for alien rulers the advantages they find or seek through their ruling; so that they may peaceably withdraw from their conquests, or cease to insist on exercising supreme power. The history of Europe teaches that an alien rule established through war may be long endured, but will in the end be overthrown. In those parts of the world in which at present civilized races rule or supervise semi-civilized or barbarous races, alien rule may long prevail; but it will be a rule by force or by playing one subject race against another, and will always be a source of discord and strife, and a reason for maintaining large armaments. The desire to resist common wrongs or oppressions has a very unifying effect on the wronged people, and the desire

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is well nigh indestructible, being passed down from generation to generation. This passing down the sentiment from father to son is quite sure to happen among people that believe themselves racially akin, and one in history and tradition.

The motive of resistance to foreign oppression works wonders toward the formation of larger and stronger national units, as has been forcibly illustrated in Europe during the past year. China has had such bitter experience of oppression and robbery on the part of Western nations that her people now find a strong unifying force in the common sense of unjust suffering. The only way to root out this cause of war is to prevent international injustice by means of concerted action among a few of the great Powers that are wise enough to do the right, and strong enough to enforce it. Such concert in action might at the present stage of civilization have to result rather from mutual jealousy than from the spontaneous acceptance of a policy of justice.

Fruitful causes of war in the future are likely to be international distrusts, dislikes, and apprehensions, nursed in ignorance, and fed on rumors, suspicions, and conjectures propagated by an unscrupulous press, until suddenly developed by some untoward event into active hatred or widespread alarm which easily passes into panic. To root out these causes of war it is desirable to promote international acquaintance through knowledge among all nations of the characteristic literature of each, and through friendly international intercourse, especially of students, travellers, learned men, and delegates to international congresses and conferences. Such distrusts and dislikes disappear in good measure on such acquaintance, and on the establishment of sympathetic relations. All successful measures for publicity concerning governmental, commercial, and educational matters will help to do away with the ignorance of the nations concerning each other, and to arrest the dangerous spreading of hostile rumors and suspicions.

While the Eastern peoples, far and near, will have some causes of their own for war, because in some important instances neither their geographical limits nor their governmental institutions are as yet settled, among the Western peoples the future causes of war are most likely to be clashing commercial or industrial interests, contests for new markets and for fresh opportunities for the profitable investment of capital, and possibly also, extensive migrations of laborers. All modern governments, in which life, liberty, and property are secured by public law, desire to extend the commerce and trade of their people, to develop their home industries by procuring markets for their products in foreign lands, to obtain in comparatively unoccupied or undeveloped parts of the earth opportunities for the profitable employment of their accumulated capital, and to gain room for a possible surplus of population in the future. This competition

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for trade and territory has caused much fighting in the past, and has recently produced a dangerous tension among some of the great European Powers. A better way of extending commerce and trade than fighting for it has of late years found a certain amount of favor among the Western Powers in the case of China, namely, the policy called "the open door," under which all the Occidental manufacturing peoples might have free and equal access to the whole of China. The sincere adoption of this policy would root out a threatening cause of war in the East. The United States proposed this policy and is sincerely in favor of its adoption; and there are signs that several other Occidental nations are inclined to believe that they can gain what they want from China through the policy of the open door at less cost than by dividing China among themselves, or by an extension to China of the practice of establishing "spheres of influence" over other Asiatic and some African territories and populations. Here is a promising experiment on rooting out a threatening cause of war.

The chronic poverty of multitudinous Oriental peoples hinders the desired development of Oriental markets for Occidental goods. When the standard of living is close to the limits essential to the maintenance of bodily health and vigor, natural catastrophes like droughts, floods, earthquakes, and pestilences cause recurrent periods of immense human misery from which recovery is slow. A valuable market is thus impaired for years or decades. To prevent such chronic poverty and widespread misery would be to remove the causes of many of the violences which break out from time to time in Oriental communities, and provoke or promote the intrusion of Western powers that are ready to use force to develop their trade. Successful prevention of such miseries would root out one cause of insurrections, rebellions, and tumults.

Two other world-wide causes of war remain to be considered. The first is the fear of sudden invasion by an overwhelming force. This fear is as keenly felt in China and Japan as it is in Germany, France, and England; and there are no better defences against it in the East than in the West. The neutralization of territory which protects some of the small European countries, like Switzerland and Belgium, rests rather upon mutual jealousy among the greater powers than on any established practice among the European nations, or any trustworthy sense of international expediency and justice. The only hope in the West or the East for relief from this terrible apprehension of invasion lies in the progress of international law, and in the spreading opinion among publicists that there are better ways than war to settle international questions about territory, commercial intercourse, and sovereignty. This fear is the cause of the immense armaments which the European powers maintain; and as yet there

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are no means in sight of rooting out this apprehension, or of preventing the frequently recurring panics on this subject, panics which are apt to result in an increase of armies. If it were true, as it is not, that the maintenance of such huge armaments will put the great powers into bankruptcy, that truth, or fact, would not remove the fear of sudden invasion, or prevent the consequences of that fear. No financial difficulties and no mere property losses will prevent a resolute people from fighting for their independence or their territory, although the odds may be heavily against them and they may fight in vain. Physical and financial exhaustion may, indeed, force peace after long fighting; but such a people, even if "bled white" as France was by Bismark, will recover from that exhaustion in a generation or two, and be ready to fight again. Before this apprehension of invasion can be done away with, the territorial boundaries of the nations must be rightly settled by something more than a diplomatic agreement; and there must be an international convention to limit armaments, and to maintain an International Judicial Tribunal backed by an international force.

Another apprehension which may at any time become the cause of war is the fear lest the supplies of food and raw material of industries, which come to a country over seas, should be cut off. Such insular countries as Great Britain and Japan are peculiarly subject to this apprehension; for either of them would be seriously distressed by even a short interruption of its supplies of food and raw material. Both these nations are therefore obliged to maintain navies more powerful than any likely to be brought against them in their own waters. Every commercial nation dreads interference with its commerce. Hence the immense burdens of competitive naval armaments. A remedy for this apprehension is, however, in sight. The doctrine that private property should be exempt from capture at sea, as it is already exempted from seizure without compensation on land, will, when adopted by a few nations that maintain strong navies, relieve the nations adopting it from the dread lest their food supplies and the supply of raw materials for their manufacturing industries should be cut off, and the export of their manufactured goods be made impossible or unsafe. To secure relief from this recurrent apprehension which prompts such exorbitant expenditure on navies, it would not be necessary that all the nations of the world should adopt the doctrine of the exemption of private property at sea from capture. Five or six of the nations which maintain strong navies, adopting it and enforcing it among themselves in time of war, could immediately secure relief for themselves, and for any other nations that chose to join them in the adoption of the policy. Indeed, five or six such nations, if well distributed over the globe, could together dominate all the seas and oceans, and make wars of any kind

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less destructive and less probable than now. The United States have advocated this doctrine for many years—never more cogently than at the second Hague Conference—but an effective adoption of it has been prevented by the reluctance of Great Britain and some other governments to abandon the practice of seizing on the ocean private property belonging to the subjects of her enemy. There are some signs that Great Britain is approaching the conclusion that she has more to gain than to lose by the adoption of the policy of exemption. At any rate, the adoption of this principle by the great Naval Powers is an essential preliminary to any significant reduction or limitation of naval armaments.

The rooting out of the causes of war must be brought about by the slow-acting forces of popular education, of public works of conservation, and public health; by practice in co-operation on a large scale or a small, in industries or in public affairs; by the progress of international law and of economic and industrial legislation; by the acceptance and fair execution of the "open door" policy; by the increase of mutual acquaintance and goodwill among nations; by the concentration of public attention on the prevailing wastes, squalors, brutalities, ignominies, and failures of war rather than on its occasional splendors of courage, self-sacrifice, and endurance, and its rare ultimate contributions to human welfare and progress, and by the gradual adoption of the judicial settlement of international disputes, both those already brought to issue and those in the formative and irritative stage. In short, war can be brought to an end only by the steady, patient use of all the humane, uplifting, active powers which modern democracy and applied science have invented and set at work within a hundred years. These new powers must be used in the spirit of the song which a Hebrew poet put into the mouths of angels—"Glory to God in the highest and on earth peace to men of good will." (Applause.)

The CHAIRMAN: The next paper is to be presented by Herr HEINRICH YORK STEINER of Vienna, Publicity Director of the Austro-American Steamship Company of Trieste. This is his second visit to the United States, the first, made some thirty years ago, having resulted in a book on this country, as HERR STEINER is also an author. We shall listen to him with great pleasure.

AMERICAN IMMIGRATION AND THE MOVEMENT OF EUROPEAN POPULATION IN THE LIGHT OF INTERNATIONAL ARBITRATION

ADDRESS OF HERR HEINRICH YORK STEINER

Although Europe has just had a war, hideous in all its features, and in which the passions of the people have been greatly excited, yet the advocates of peace are in the minority. And

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you will be astonished where the friends of peace are to be sought for, not among the common soldiers or common people who bear the brunt of the battle, but among the crowned heads of Europe who are aware of the cost of war and its dangers even to the victor. Yesterday evening the honorable gentleman (J. Allen Baker, M. P.) who presided at the session told us that the Emperor of Germany was one of the great factors for peace. I am fortunately in the position to claim the same thing for His Majesty, the aged Emperor and King of Austria and Hungary. (Applause.) We have lived through one of the most anxious periods in the history of Eastern Europe. There was not a day that we did not expect war to be declared and no night when we did not fear that our guns would shout their defiance against Servia and Montenegro. There was only one hope for our tax-burdened people, for these anxious mothers, wives, and brides,—and that was Franz Joseph I.

For you must know that Austria was wounded in her national pride and endangered in her interests; and yet when the councillors appealed to the Emperor King to face the possibility of war it was told that he said: "I will not discuss war with gentlemen who have never been to war and do not know what they are talking about." Not the Emperor, nor the heir apparent, no political party whatever, not even the big majority of our press, was for war, but many people were crying for it like spoiled children for a toy.

There are some master minds who maintain that war is God's fixed decree. There are also the so-called "Real Politicians" who assert that it is good to relieve the great tension which exists in the masses by the shedding of blood; just as an overheated steam boiler discharges its surplus power through the safety valve; and those who are especially clever take the stand that the dissatisfaction of mankind springs from the fact that there are too many people, and that good positions are too few. Thus, as a remedy for this evil, war is good, since so many men are killed that there are then fewer men and more positions.

For these queer people, at least in Europe, the emigration to the United States of America should completely replace war. As from half a million to one million come over from Europe as immigrants every year, some countries must become rather short of men, and then of these hundred thousands who are employed in the industrial life of the United States, as many are killed or crippled in the mines and on the railways as in a great war. But I have too great a respect for your nerves than to finish this picture in all its cruel colors; I will merely give you figures.

According to official statistics, more than 40,000 persons are killed yearly in the mines, factories, and other industries in the United States. In Germany we find only 9,800 last year. During

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the last ten years 350,000 lives have been lost through the progress of modern times, as we are accustomed to call the industries and traffic. There are more immigrants than natives among these unfortunates because the immigrants labor in the most dangerous employments, such as coal mining, iron works, etc. The loss of life in Russia per thousand workers in coal mines is 2.44, in Prussia 2.13, Austria 1.35, the United Kingdom 1.29, as compared with the following states of America: In the State of Utah 11.67, Washington 6.76; Alabama 4.75, Pennsylvania 3.4, Iowa 2.15, Ohio 2.14, Michigan 2.31. Average per thousand in Europe 1.8; in the United States 4.15.

But the worst feature appears to be the growing carelessness, for the number of accidents is increasing tremendously. In the year 1889, the loss of life was, for all coal mines, 2.45 per thousand; in the year 1907, 4.15. Since the middle of last century, in the United States and Canada taken together, 44,000 persons have been killed in coal mines, that is, about 800 yearly, whereas in the period 1905-1910, 12,260 persons lost their lives in the United States alone, and this works out at 2,500 a year.

The slaughter which takes place in the great industries, not including mines, is also very terrible. For example, in the year 1908, 5,000 persons were killed and 208,000 met with serious accidents. According to estimates given by the New Encyclopaedia of Social Reform, in the communication, etc., concerns—railways and ships—in the fifteen years 1895-1909, 128,000 persons were killed and over 1,000,000 wounded.

In the Franco-German war 1870-71, the Germans lost 28,178 and 88,543 were wounded. According to this, the United States loses every year in its commercial concerns more persons than Germany lost in a world famous and bloody war.

I speak as a European, in the name of my countrymen who come here from far across the sea to find a pittance of bread, but who, instead of meeting with a fertile source of living, very often meet with death, or with crippled limbs go forth to encounter a fate too sad for words to express. But I also speak to you as a man who has keen susceptibilities, as lastly I speak to you as a foreign author, who is an American guest and who will try to think in American and represent your interests for a quarter of an hour. For it is your interest whether the immigrants are to enter this country, which was once the cradle of liberty and which has given the greatest assistance to all movements for freedom throughout the world, with trembling and trepidation or whether they are to take up the struggle for existence with a feeling of security under loyal conditions. And so great as the immigration is to-day, and for many in the United States it is much too great, yet I believe we now are to see the beginning of the end.

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The number of births in Europe decreases rapidly. In England from 1875-1905 the decrease was from 35.5 to 23.71; in Hungary, from 44.3 to 36.8; in Germany, from 38.9 to 34.8; in Austria, from 39.3 to 37; in Italy from 36.9 to 32.4. Although the surplus of the living has for the last ten years risen in Europe because of the hygiene so excellently developed among the people, and of the better protection of the workers, nevertheless this development also shows, that the birth rate in all European States falls gradually and in proportion to the rise in the standard of civilization and national wealth, as for instance, in France, the population must lessen. The emigration of Europeans decreases per thousand in consequence of this and other reasons which I shall bring forward later.

The average, per 1,000 persons, of emigrants was from 1870 to 1910, 28.823; from 1900 to 1910, 8.136; and from 1908 to 1910, 2.252. This, however, does not alter the fact that the positive figures of emigration from Europe are for the present rising. But then, the possibilities of industrial employment rise considerably in the countries which provide the emigration material.

In 1882, Germany had 6,396,000 workers in mining and other industries; in 1907, 5,000,000 more (11,156,000)—i. e., 200,000 more every year. In Austria-Hungary in 1890, 3,824,000, and ten years later 4,323,000—i. e., 45,000 more every year. But the industrial development of Germany has other results apart from this. The surplus of workers in the great emigration countries—Russia, Austria, Hungary, and Italy—generally go to Germany and work there during the season. But there are also fixed colonies of foreign workers, containing some hundred thousands already established there. On the 12th of June, 1907, 799,863 foreigners were counted in Germany as employed in the industrial, commercial and communication concerns, as well as those in service. From Austria alone, 316,000 season workers go yearly to Germany as against only 120,000 to the United States of America.

Now if the countries like Austria, Hungary, and Italy continue their industrial development in the same proportion as heretofore, the number of workers who go to Germany will constantly decrease and in all probability the emigration to North America will stop completely, especially as wages have risen on the whole continent about 30%, and in the United States in about half of the industries are beginning to decline, while the cost of living has increased in Europe about 13% and in the United States 18%.

Moreover, it is fully known that the birthrate in the United States is steadily decreasing, especially among the native ele-

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ment. There is an intimate relationship between emigration and the peace movement—in all its phases.

During the ten years from 1897 to 1906, European states spent on armaments 47,6362 millions, and since this time the military budgets have risen so that in the year 1912, 6,8285 millions were spent, an increase of 40%.

If the peace movement which had its birth here, and which is now so powerfully advanced in Washington, could find that echo in Europe which it deserves, then all these millions could be invested in trade and industries, and emigration to America would then be out of the question, certainly unless America, apart from high wages, could announce to the world with proud superiority that in no land is the worker so sure of his life as under the Stars and Stripes.

May I then suggest, *first*, that here where you have deplored for many years the loss of life and the attending cruelties of war, there should also go out in no uncertain tones some protest against the needless loss of life in your industrial concerns. For you cannot preach the sacredness of life in time of war if it is not practiced by you in time of peace. You must never forget that the United States is the cradle of the peace movement and that at Lake Mohonk the cradle has been rocked for many years.

I came here with my paper loaded with facts and figures, these modern weapons of eloquence, but I soon found as I looked into your faces that you know all I have to convey, so I shall not impose them upon you, but rather I wish to press upon your hearts and your imagination something new. Here in the United States you are creating or you ought to create a new idea of nationality, a new definition of patriotism. Other peoples are born in such circumstances, anthropologically and geographically, that they believe themselves the only people or the best people in the world—but your nation from its beginning was shaped out of the blood and bone of many peoples—and you especially are living in a day when you can see for yourselves the same process going on before your very eyes—so you ought in some way to learn to have faith in all peoples and convey this faith to all these who come here to *enrich* you, and who unfortunately get wounds and bruises and hardened hearts with their wages. I am not asking that you should take every "Hunky" (as you call my poor countrymen) to your home or heart, but you should teach him love through your acting it, and give him faith and vision by your having faith in him, at least to the extent of protecting his life.

In what I say I am not acting for business reasons though besides being an author I am a member of the Austro-Americano—a steamship company—but I am speaking from the standpoint of a man who has the good fortune to have breathed the

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air of Lake Mohonk for the first time and who feels here not only your noble spiritual influence but the spirit of the departed founder of this Conference, and in the name of that spirit I have courage to say to you that there can be no world peace unless these millions who come to you and these millions who go from you carry peace with them—peace as the spirit of Mohonk, as a glory of your nation, to the ends of the earth. (Applause.)

The CHAIRMAN: I now present the United States Commissioner of Education, the Honorable P. P. CLAXTON.

EDUCATION AND INTERNATIONAL PEACE

ADDRESS OF HON. P. P. CLAXTON

It is unnecessary at Lake Mohonk to make any plea for the abolition of war and for peace between nations. We are all agreed that the dead hand of the barbarous past must be removed from the pulsing life of the present and the future. It is only a question of how international peace shall be brought about.

I am to speak to you to-night about the slow but sure way of education. The German statesman was right who said that whatsoever we would have in the state of to-morrow we should put into the schools of to-day. The principle applies not alone to colleges and high schools in which hundreds of thousands are educated, but also and more especially to elementary schools upon which millions attend and in which they receive whatever education they do receive. It is these millions who hold in their hands the destinies of the nation.

Would we reach parliaments, ministries, congresses, and cabinets in the most effective way, our appeal must be to the great masses of the people who make and unmake parliaments, ministries, congresses, and cabinets, and who, by sheer force of numbers give weight and irresistible force to their own opinions and sentiments. We must also remember that out of the masses the classes are constantly recruited.

For the children of the middle and upper grammar grades there is need of a book that might well bear the title, "Causes, Costs and Results of the Great Wars." Some of the peace societies might well undertake the preparation of such a book. Possibly the American School Peace League is the appropriate society for this. Forty or fifty brief chapters would be sufficient.

These chapters should show first, for each of the great wars of the world, how insignificant and how unworthy were its causes as seen from our present point of view, and how easily it might have been avoided. Such a presentation of real causes of the so-called great wars of the past would bring about a wholesome

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attitude of suspicion in regard to the supposed justifiable causes of war now and in the future. The right understanding of the follies of the past could not fail to give a better insight into the follies of the present.

They should show secondly, as accurately as possible, the cost of these wars, as represented in money, destruction of property, loss of life, sorrow and backward movements in civilization. It took a quarter of a millennium for Germany to recover from the Thirty Years' War. Rightly counted, our war between the States cost not less than thirty-two billions of dollars, an amount twice as large as the total wealth of the United States at the time the war began. It is still costing us in money nearly three-quarters of a million dollars a year.

They should show, thirdly, how meager the results of these wars are. Frequently treaties of peace have been silent as to the question at issue when the war began. It could easily be shown that practically everything obtained by war might have been obtained more surely and at much less cost without war. It should be shown that might has never made right, and that when might has been asserted on the side of right, it has frequently resulted in wrong.

He who undertakes this task should know how to arrange facts so as to make them appeal to the children of these grades. The man with this ability could make the lessons very interesting and most valuable.

We need to put into the hands of teachers and children properly arranged facts of the cost of armed peace. The people who are taxed to support the great and ever increasing armaments should know how great the support is. Statistics may be very dry and uninteresting, but it is easy to give them life and make them interesting enough.

Let us tell the children in the United States that we are now expending in times of peace for army and navy enough money to double the salaries of all the teachers in all the schools of the country. At the present rate, the public expenditures for army and navy in the United States would, if turned toward education, accomplish the following things:

Establish and maintain a great national university at an annual cost of ten millions of dollars, fully three times the present annual income of the richest of our universities.

It would add to the annual income of every State university one million dollars.

It would establish and maintain in each of the States five new normal schools, each with an annual income of one hundred thousand dollars; five new technological schools, each with an annual income of one hundred thousand dollars; one hundred new public high schools, each with an annual income of twenty

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thousand dollars; thirty agricultural schools, each with an annual income of fifteen thousand dollars, and add a million dollars to the public school fund of each State.

It would pay for all the text-books used in all the schools, public and private, in the United States, and give a quarter of a million dollars to each of the States for public libraries for the people.

Many will think that this would be a better use for this money than that to which it is now put. At least the people should know the facts. The children should be taught them.

Last year Germany, France, England, and the United States spent a billion and a quarter dollars on armies and navies. At this rate they will in forty years, the life of one generation, spend fifty billions of dollars for this purpose of armaments.

Fifty billion dollars would pay for twenty million homes at a cost of twenty-five hundred dollars each. Twenty-five hundred dollars will build a good country or village home. It is more than the average cost of such homes in any of these countries.

These twenty million houses would furnish homes for one hundred and twenty millions of people at an average of six people, father, mother, and four children, in each home.

This is many millions more than the number of people now living in open country and small villages in all these countries.

Last year the world's expenditures for war, including direct expenses for armies and navies, for battleships and for forts, with interest on war debts and the loss caused by withdrawing from productive labor these six millions of men who constituted our standing armies and the naval forces, were practically seven billion dollars. The total value of all the agricultural products of the United States for the same year, including the cotton fields of the South, the corn fields of the West, the truck gardens of the East, and all the crops produced in any section of the country, was approximately seven billion dollars. The world's sacrifice to the god of war during this year of almost universal peace is thus represented by a huge burnt offering in which all agricultural products of the greatest agricultural nation of the world are consumed. The children of the United States, Great Britain, Germany, France, and all the world should know facts like these. They should be taught them in the schools.

The schools should also teach the children to what productive uses money now wasted on war and armed peace might be put, and what profitable employment might be found for the millions of men now withdrawn from productive pursuits. They should show what canals might be dug, what swamps drained, what deserts irrigated and made fruitful, what floods controlled, what diseases stamped out, what slums of cities cleaned, what poverty and sorrow relieved, what joy and happiness brought

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to the people by the right use of these immense sums of money. There is need for a small book filled with suggestions of this kind.

The statements in this book should not be overdrawn; they should be as accurate as possible. They should not be exaggerated nor should they be sensational. They should, however, be made in such way as to appeal to the understanding, imagination, and interest of the children, to such an extent as to cause them to be remembered. We must change our method of teaching history. Instead of dwelling on the wars, details of campaigns, dates and incidents of battles, the names of leaders and the numbers that fell, let us try to show more clearly the progress of civilization and how the people have, through patient effort, gained control over the forces of nature. More attention should be given in the grammar grades to the great inventions that have relieved men, women, and children from brute labor, and added to the comfort and happiness of the people and the welfare of the nations. The steam engine, electric telegraph, telephone, locomotive, the Bessemer process of making steel,—any one of these inventions is of far greater importance than the results of any half dozen battles in the history of the world. The discoverer of germs as the cause of disease has contributed more to the welfare of humanity than any warrior who ever lived. His discovery will have more influence on the history of the world than any battle ever fought. These schools should show how constantly the ethics of the little group has been extended and is extending to the larger group, to the State, to the nation and to the world. The children should be shown how intrastate and intranational ethics may become interstate and international. They should be taught the fundamental principles of the brotherhood of man under the fatherhood of God. All this should be included in our teaching of history and ethics in the elementary schools and in the lower grades of the high schools where the great mass of children receive their education and where impressions made are most lasting.

The geography lessons of these grades should also be made to contribute to the same end. Some years ago I gave to a young woman in a normal school the task of writing her graduating thesis on the subject of teaching geography. She finally presented a fairly good paper, but the lesson she had learned was much more important than her paper. I remember that when she presented her paper she said to me that if geography were taught in the schools of the world as it should be, there would never be another war between peoples, because they would all understand the interdependence of nations. The American people would understand how China, Japan, Germany, France.

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Italy—every country in the world—contribute to their wealth and to their welfare. The people of other countries would understand the same principle. Through the right teaching of modern geography, children can be brought to understand something of the commonwealth of the world. Such a commonwealth does exist in fact if not in theory.

It may be long before there will be a parliament of the world or an international court with power to execute its judgments on the nations, but the commonwealth of the world has already come, and the children in the common schools can be made to understand it. They can be taught to understand how countries far distant from each other contribute to their daily support in food, clothing, shelter, and other necessities and conveniences; how hundreds of railroad trains and steamships are put in motion, and how thousands of men of all races and creeds labor that they may live in comfort.

Again, children may be taught through their geography lessons how different parts of the world and different peoples are not absolutely better or worse, one than another. Ignorant peoples are apt to suppose that they are better than other peoples, and to boast of their superiority, forgetful of the fact that real superiority is not indicated by boastfulness. Peoples are not better or worse. They possess different virtues and vices and in different degrees. Each contributes his part. One may be inferior in intellectuality but superior in emotional power; one may be deficient in the power of scientific analysis but may possess artistic tendency in great abundance. Those who cannot build bridges may paint pictures, compose music, sculpture stone. Those who contribute nothing to one phase of civilization may greatly enrich other phases. It is with the world as with an individual, city or country. Its wealth does not consist in the abundance of one thing but in variety and proportion. That city is richest which has most nearly all the talents of all of its people developed in the best way. The world will attain to its maximum of human wealth when all the talents of all of its peoples of all races and in all climes have been developed to their fullest extent, and when all nations and peoples have been most perfectly brought together in one organic whole.

Children in the common schools should be taught the duties of citizenship, the full meaning of patriotism, the value of service, and the right conception of honor. They can be given some conception of the sublime unselfish-selfishness through which an individual best ministers to his own good by serving best all those with whom he comes in contact and who affect him. They can be taught that in the present and the future the individual who would best serve his country must refrain from

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bringing injury to any other country in the world. The world is now so bound together in all of its interests that no injury can be done to any part of it without finally reaching all parts.

Many of these lessons can be most effectively taught by the observance of special days for which special programs should be prepared. The American School Peace League has done much in this direction.

Much may also be accomplished by the right choice of pictures for the schoolroom, and of statuary for our public places. In this way the attention of children can be directed to the fact that the virtues of peace are worthy of artistic record as well as the virtues of war, and that those men and women who have lived for the welfare of the race deserve to live in the memory of the people no less than those who have died for glory or honor or even for the welfare of some portion of the race.

It should be remembered also, that universal education is itself one of the most powerful influences for universal peace. The knowledge of the world which comes through the study of the geography of all countries, and of the literature and art, the manners and customs of other peoples, is a powerful influence for peace. We are apt to regard as enemies those who are strangers to us. We seldom hate those whom we know well. Through the right education of all the children of all the people in the schools of all the people in all the world shall we finally accomplish universal peace and good will. (Applause.)

The CHAIRMAN: We heard last night a brilliant presentation by Mr. Lane, of the economic remedy for war: This evening we have listened to a vigorous presentation of a similar doctrine, the belief that with the present expenditures for war immense good works could be executed for the general welfare of the nation. Our next paper relates to justice as the basis of international peace. I confess, I turn with hope to this new presentation. I recall that it is more than sixty years since Charles Sumner in his splendid oration on the true greatness of nations said that for the cost of a seventy-two gun ship—which was the dreadnought of that day—we could found and carry on for a hundred years a university. And it was Harvard University of which he spoke. (Laughter.) How much has that doctrine done for the promotion of peace? How much has it done toward the diminution of expenditure for wars and preparation for wars? Let the history of the last ten years answer that question. There is more hope in justice—international justice—than there is in sound economics. I have the honor to present to this audience Dr. FELIX ADLER, Professor of Political and Social Ethics at Columbia University.

INTERNATIONAL JUSTICE

JUSTICE THE BASIS OF INTERNATIONAL PEACE

ADDRESS OF FELIX ADLER, PH.D.

A Universal Races Congress was held in London two years ago, notable for the participation of eminent practical statesmen. Sir Charles Dilke contributed a paper finished just before his death. Sir Sydney Olivier, Governor of Jamaica, Sir Charles Bruce, late Governor of Mauritius, were prominent. Every European nation was represented, Hindus in large numbers, South Africans, West Indians, etc. At the close of the meetings a permanent Executive Council was created in order to carry out the objects for which the Congress had assembled. Of this Council Lord Weardale is President, and as one of the American members I have been asked to give a brief account of its aims.

Among these the following may be mentioned:

1. To promote a better appreciation on the part of each nation of such types of culture and civilization as differ from its own. Men do not willingly destroy what they admire. The destructive instincts which lead a nation to make war upon another may be weakened by promoting an understanding of the art, the science, and in general of the human values enshrined in foreign peoples. To this end, a popular literature of appreciation is to be widely disseminated;—for instance appreciations of Germany in England, of England in Germany, etc. Also there are to be exchange visits by the school teachers of different nations, seeing that they directly influence the next generation. There have been exchange visits of parliamentarians, journalists, and professors. It is proposed to go a step farther in this direction.

2. To encourage the scientific study of the Races and their special problems.

3. To promote experiments, after the manner of the Batak Institution at Leiden; based on the principle that the backward races instead of being exploited for the benefit of Europeans and Americans are to be assisted in the development of a civilization of their own, in accordance with their natural opportunities and capacities.

4. And this is the point on which I wish chiefly to dwell, a new organ for the promotion of universal peace, supplementary to The Hague Tribunal, is to be created—a publicity bureau on a very broad scale intended to secure a fair hearing for the wrongs of oppressed subject nationalities within the sovereign nations.

The last point necessitates a brief reference to the subject of Justice as the Basis of Peace. The conclusion I have in mind coincides with what President Eliot said to us this evening, namely, that the appeal to sentiment by descriptions of the

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suffering incident to war does not suffice to check the passions. Passion is ruthless and being violent seeks an outlet in violence. Passion must be forestalled; once roused, it is as idle to try to prevent bloodshed as it would be to try to restrain Niagara at the brink of the cataract. Neither does an appeal to pecuniary self-interest suffice. Nations like individuals fling to the wind all such considerations in moments when the wilder feelings are thoroughly excited. Life counts for nothing at such times and material interests are equally disregarded. Passion is as reckless as it is ruthless.

I may here say in passing that I cannot share the optimistic feeling of some in regard to the possibility of putting an end to war in the near future. Our hopes in this direction have been distinctly abated by the striking fact that the Peace Movement and the War Movement among modern nations are growing *pari passu*. Paradoxical as it may seem the two currents are actually running parallel. Indeed, some of the very persons who are foremost in proclaiming their love of peace are at the same time among the leaders in the movement for the increase of armaments. In order to discern a remedy for this perplexed situation, one must of course earnestly study the causes. We have had a most interesting account of these causes in the first paper of the evening. I shall ask your leave to call attention to the following:

I believe that mere *tedium vitae* is one cause. For the majority of men life is so somber and gray that any excitement is welcome, and the craving for intense stimulation is apt to seize upon whole communities, especially when the strain of routine has previously been severe.

I think that our unequal distribution of wealth is another cause. Production outstrips the ability of the masses to absorb what they have produced, hence the desperate rivalry for colonial markets on which to discharge the surplus.

But another cause should be mentioned, one which explains why the principle underlying The Hague Tribunal, the principle of arbitration, has not met with the success that some may have expected. Arbitration is intended to bring to light the rights and wrongs on either side and in this way to prevent injustice. But how can wrong-doing be prevented from now on so long as the present situation is the result of wrongs undressed, and that, too, wrongs of comparatively recent occurrence or at least not so far remote in the past but that their poisonous sting continues to rankle in the consciousness of the present generation? The nations of the world in now starting the game of arbitration are not beginning fair. To say, let us prevent aggression hereafter, seems in fact to condone the aggressions that have taken place up to date. This is a tremendous

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obstacle in the way of peace. I call to mind the attitude of the French toward the lost provinces of Alsace and Lorraine: the bitter feelings cherished by the Poles toward their rulers, the uneasy movements of the subject populations of Austria.

A previous speaker recommended that geography be employed in the schools as a method of teaching the meaning of peace. He had in mind, no doubt, when he did so, the situation in the United States. But in some of the countries I have mentioned it might be better to forbid the study of geography,—for the study of the map may prove a very firebrand to kindle the furious spirit of war.

Fifty years ago a leading Austrian publicist suggested that the German population of the Austrian Empire should relinquish its claim to supremacy and rather encourage among the other races of that conglomerate state, the maintenance of their own traditions, their literature, their spiritual integrity. Perhaps this in general may be a way out. At any rate it is such considerations as these that have inspired the creation of the Publicity Bureau of which mention has been made above. The object of this Bureau is to bring into the forum of the world's public opinion the grievances real or imaginary of the subject populations within the sovereign states (a matter which The Hague Tribunal itself cannot touch), with a view of their being sifted and the way opened for relief. All parties in interest would be impartially heard, and competent, independent investigators would be sent out by the Bureau to report upon the facts.

As to The Hague Tribunal itself, I have one wish to express: It seems to me to be a defect that the Tribunal consists chiefly of lawyers. The legal mind is inevitably inclined to follow precedent and in the case of an international court a certain flexibility is desirable, a certain breadth not usually found among those who have been trained in the formal legal methods of adjusting disputes. I should like to see men of affairs, men of experience in other lines of human activity be added to the membership of this court.

My main point finally is this: The great step in advance that needs to be taken is to apply the rules of morality to the behavior of nations as well as of individuals. The most serious factor in the situation today is that the great powers of Europe, as has recently appeared in the case of Persia, are willing to do or allow, knowingly and defiantly, egregious wrong. Even in the Senate of the United States we have heard it proclaimed that while morality may be binding upon individuals, self-interest is the only principle on which collective bodies of men are held to act. So long as this opinion prevails unjust aggression is unavoidable. Arbitration may be applied successfully in minor cases but in the great debates of nation with nation it will

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prove but a rope of sand. No police force, collected from among the great powers will restrain the great evildoers. The sole force that can avail is the moral force of an enlightened and world-wide public opinion,—a public opinion not in favor of peace at any price, not directed primarily toward the avoidance of suffering and of material loss, but a public opinion insisting that nations shall not do wrong. (Applause.)

The CHAIRMAN: We are now to hear Sir GEORGE REID of London, Lord High Commissioner for Australia.

SLOW-MOVING PEACE FORCES THE MORE POWERFUL

REMARKS OF SIR GEORGE REID

This is a glorious place of natural beauty, and even more glorious in the good influences for mankind which brighten it. I have listened to these addresses, and have thoroughly enjoyed them. The things that Mr. Claxton suggests really do point to a state of affairs which may arise in the course of the next thousand years. The territorial rectifications that were mentioned remind me of an answer I got in Australia on addressing a very stormy political meeting. I went so far as to say that I was approaching "that bourne from which no traveler returns," and a man who must have had territorial rectifications in his mind exclaimed in a tone quite free from malignity, indeed it seemed to convey a flash of prophetic insight: "By Jove, George, won't the fat be in the fire then!" (Laughter.)

The question of territorial rectification does not concern me because I was born in Scotland. My ancestry was so unsullied that I left Scotland when I was two months old. Of course I took my father and mother with me. I had no selfish motive. I wanted to give my other countrymen a better chance by leaving them. When you love a country, you can say so much more in its favor if you know nothing about it. When they railed about my country in Australia as a miserable, cold, bleak, barren tract, I was able to say that during the whole time of my residence in Scotland I found it to be a land flowing with milk and honey. (Loud laughter.) My distinguished friend, Mr. Bourassa, who delivered that brilliant address, caused me to smile when he referred to Australia, the lonely Empress of the southern seas, far away from the Stars and Stripes and from the Union Jack. We have four and three-quarter millions of men, women and children in that distant continent, and five hundred millions of people of different races within a few days' sail. We have that spirit which has belonged to every nation, small or great, we desire that our racial integrity should be preserved. We are like the Chinese and the Japanese; we want to grow

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as a nation. I am glad to say that ninety-six out of every hundred human beings on that continent were either born in Great Britain or descended from British parents. We are going to show the world what the British race, which has done so many wonders, can do upon a continent. I glory in the patriotism of the United States and in your pride in your own country and your people. The more mixed a race is, the more proud they seem to be of the particular part of it to which they belong. You cannot parcel out our British race, but there are mixtures of races which we have not yet come to. When Mr. Claxton speaks of education in that noble way I ask you to remember that the breeding of thousands of years in a state of ignorance cannot be redressed by a school curriculum in a generation or two. When people sneer at the results of education I wish them to remember that after all the human mind is only in its childhood, and only beginning to gain the benefits of the sunshine of knowledge and enlightenment. In this state of childhood it may fall into rashness. It may find it much more easy to pull down than to build up. But I look ahead. I learned early the noble lesson that through all the miseries and oppressions humanity has steadily advanced. If you will compare the fifteenth with the sixteenth century, the sixteenth with the seventeenth, the seventeenth with the eighteenth, the eighteenth with the nineteenth, you will find that although there are still dark clouds in the skies, the sunshine of human love and kindness is shining through. It comes from the higher divinity that rules over us. The world is steadily getting better and brighter. In our days one flagrant act is flashed across the wires, and we begin to think ourselves worse than our ancestors were, because everything is known everywhere. In earlier times these things were hardly heard of. So don't think too little of yourselves. The sun of our geographical distribution is, after all, not the real sun. In the sun of human industry,—the sun of pre-eminence in commerce and finance, in arts and sciences,—there is room there for all the rivalries of which our nature is capable. Peace has a noble sound, but it is entirely inadequate to express the feeling of those of us who love peace; because it will raise emulations and rivalries, because in the reign of peace all these healthy instincts will at last get a chance. War uses one in destroying all the other combative instincts. The world begins to see that the fertilizing streams of human energy may take their rise in the mountains of various continents and run along racial channels, but they all flow at last into the broad ocean of universal progress. (Applause.)

The CHAIRMAN: Mr. Reid has touched upon two points of great significance. One is the influence of education in a universal sense. It is hardly a hundred years since the first experi-

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ments of universal education began to be made. How novel it is in the history of the world. There is another new power in the world which has been a large source of the differences between the freedom of the middle ages and the freedom of today; namely, the inductive method of arriving at truth, not being really well known, even in civilized nations, until the last hundred years, and not yet fully put in practice in any civilized nation.

Our next speaker is Major-General SAMUEL S. SUMNER, U. S. A., of Syracuse, N. Y.

THE ARMY AND NAVY NOT FRIENDS OF WAR

REMARKS OF MAJOR-GENERAL S. S. SUMNER

I am somewhat embarrassed at addressing this audience, and the more so because I feel that what I am about to say will not meet with the hearty approval and sympathy of some here present.

It has been occasionally voiced on this floor and elsewhere that the army and the navy are anxious for war. That's a mistake. The army and navy are no more anxious for war when they know that they are to go on the first firing line, than any of you would be if you had to accompany them, but they do ask and they do expect that if this country is to put them on the firing line, they will be given the opportunity to so prepare themselves that they will not march to disaster and defeat. I heard today on this floor that all war is a crime. If all war is a crime then any man who volunteers for war is a criminal. That is certainly a new position in which to place George Washington in this country. War may be a crime, or it may not. But there is one thing that is greater crime than any war, and that is a disastrous peace, a peace which degrades the people. The army and the navy and all sensible men believe in arbitration. No man wants to be shot at. It is not a pleasant prospect for anybody. But there are times in the history of all countries when war comes upon them, and when it does come, it is well to be prepared for it. Any country that goes to war armed only with a just cause and an olive branch, is likely to meet disaster when it comes up against the magazine rifle and Krupp gun. We feel in this country that war is impossible for us; and it is well nigh impossible. But there is an existing state of affairs right now from which something might happen. We are in an awkward position with a country which through our extended and defenseless frontier in the East can take one of our possessions from us; disarm fifteen or twenty thousand of our soldiers; drive our civil administration out of that country, and our navy out of the Eastern seas. If that takes place

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will it be war or arbitration? This is not probable, but it is possible. Therefore, I say in conclusion, Mr. Chairman, that while every sensible man believes in arbitration, and while we are on the road to general arbitration, which most of us admit is still somewhere in the future, we should at the same time be prepared to arbitrate with dignity and not with subservience. In other words, if we go into arbitration we should be strong enough to afford it and not so weak as to require it. (Applause.)

The CHAIRMAN: The next speaker is the Governor of Minnesota, the Honorable Adolph O. Eberhart of St. Paul.

MINNESOTA'S INTEREST IN HUMAN PROGRESS

REMARKS OF HON. A. O. EBERHART

I am glad so many friends from Congress are here. I would like to see more governors at this gathering. What an unspeakable pleasure it is to come here and look in the faces of so many honest people, and to realize that in the midst of these primeval forests there is no chance for log-rolling; and that although we can legislate for international welfare, there is no chance for any discussion on the tariff question.

The loss to human life in America from accidents and disease is appalling; but I would like to have our friend Herr Steiner take back the message from America to his country that we are trying to do here as they have been trying to do in his country, and that we have succeeded admirably during the last two years. Fatal accidents in Minnesota have been reduced forty-seven per cent, and we are enacting workmen's compensation acts whereby we compel industry to realize that the loss of any human life should not be borne by the wife, but that it should be borne by industry. Nearly all our states are now enacting workmen's compensation acts, so that in a short time we shall be on the same basis as our friends abroad. I would not like to have the impression gain ground that America is not doing anything to prevent the loss of life, while at the same time we are trying so hard for international peace. I am asking my legislature to provide for sanatoria for all cases of tuberculosis. We have appropriated State's aid for the building of hospitals in every county of our State. Might we not use this illustration, that every time a cannon is aimed at some foe, the cost of that cannon ball is the means of taking away the support from three dependent mothers and their children? Let our friends understand this. We don't think it is possible to do away with the army or navy. All we ask is that we may have international agreement; and when we have settled some international differences, that we may begin to reduce our armies and navies. I would like to bring our friends from abroad this

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message, that as this country has been the cradle of liberty in the past, it is today a cradle of brotherhood. (Applause.)

The CHAIRMAN: The last speaker of the evening is a man of high distinction in the American commonwealth, a man of fine name, a name by which we may hereafter know principles not only of the American states but all the states of the world. The commonwealth of Virginia sends us the Honorable HENRY ST. GEORGE TUCKER of Lexington.

AMERICAN EXPANSION AND INTERNATIONAL PEACE

REMARKS OF MR. HENRY ST. GEORGE TUCKER

Eighteen years ago my honored father, who has now passed beyond, came here to mingle with the noble spirits who first inaugurated this movement for peace. From that day to this it has been the desire of my heart to breathe the air of this community and the spirit which infuses this assembly. I have nothing to add to what you have so well said, Mr. Chairman. Who would attempt to follow you in any discussion with the hope of adding anything to human knowledge? But, sir, I come from an old commonwealth that knows what war is. Upon her broad bosom was fought for four years the greatest war of modern times. I come from a little village nestling beneath the blue hills of old Virginia where sleep the spirits of two of the greatest heroes that the annals of war record. There in that little hamlet Stonewall Jackson and Robert E. Lee lie buried, and I come to tell you that those who guard their remains, who honor them for the great records which they have made, have come to join with you in the hope that this country will never see war again, and that the white-winged messenger of peace has come to stay. (Applause.) Mr. Chairman, the causes of war cannot be discussed by me in five minutes. There is one cause, however, which it is well enough to suggest. When George Washington declared in the early history of this country that entangling alliances abroad were to be guarded against by America; when our forefathers at Jamestown settled this country to develop civil and religious liberty, they planted here a colony that had a work to do not connected with the ambitious governments of the world, but solely devoted to the building up in America of the great principle of self-government; a government of the people, by the people and for the people, that would enlighten the whole world in the principles of civil and religious liberty. And when I find that our government for this reason or the other is leaving our shores—and I mean no pun, for when you leave the land you are indeed at sea—the moment we leave our shores for the purpose of accretion, with the idea of taking in

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all of the weak and puling nations of the earth that need help and protection, whether at our door or several thousand miles away, we have initiated a principle that cannot result in anything but entangling alliances and war. I suppose I am bound not to speak of anything that might smack of politics; but for fear you might not understand what I mean, I am speaking of the Philippines.

We know the cost of war which my friend Mr. Claxton has so well described. We must begin at the bottom, as our honored friend here, President Eliot, has said, and teach justice. You get along with your neighbor without a fight—why? Because you have learned that no man liveth unto himself; that there are other people in the world besides yourself; that we are not all Robinson Crusoes; that our men Friday are coming along claiming the right to participate in what was originally all ours. That same principle applies to nations. *Sic utere tuo ut non alienum laedas*. Take care of yourself. Build up the great government which has been entrusted to you by the fathers, and let the only mission of America be to establish here a government of freedom, liberty, Christianity, morality, and justice that all the world may look to and strive to imitate. (Applause.)

The CHAIRMAN: This session has illustrated the wise policy of this Conference, to listen with respect to the most opposite, diverse and delicate themes which are presented here for discussion. I am sure we all rejoice that such has been the policy of this Conference from the beginning. The meeting this evening is adjourned.

Fifth Session.

Friday Morning, May 16, 1913

Mr. SMILEY: Some of us have heard of men of whom it has been said in a mischievous way that they left their country for their country's good and remained long in distant lands for the same reason. This is literally true concerning one here, but true only in every good sense; for great credit has come to our country through his residence as its representative in Germany, in Austria-Hungary, and in Russia. We are most fortunate to have for our presiding officer this morning the Honorable CHARLEMAGNE TOWER of Philadelphia. (Applause.)

THE TREATY OBLIGATIONS OF THE UNITED STATES RELATING TO THE PANAMA CANAL

ADDRESS OF HON. CHARLEMAGNE TOWER

I beg leave to call attention to a subject which has been considerably discussed of late in Congress and throughout the country, and cannot be considered in any sense to be new; but, in spite of this fact, and of a certain familiarity which it has acquired in men's minds from frequent mention, I am inclined to the thought that it can scarcely be too plainly or too forcibly brought before the sober consideration of the American people,—the international obligations undertaken by the United States in the treaties relating to the Panama Canal.

The subject of a canal across the narrow strip of land that joins the two Continents is one, indeed, that is nearly contemporaneous with the discovery of America; for its advantages made themselves evident even to the earliest explorers and navigators, who upon returning to Spain, in 1528—more than 150 years before William Penn entered the Delaware—presented to the Emperor Charles V, a plan for the opening of a waterway through the Isthmus of Panama; a project that never was lost sight of and which acquired greater importance to us, both from our political and commercial point of view, after our separation from Great Britain and the establishment of our independent nationality.

In 1826, Mr. Clay, then Secretary of State, wrote, in connection with a Congress at Panama:

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"A cut or canal for purposes of navigation somewhere through the isthmus that connects the two Americas, to unite the Pacific and Atlantic Oceans, will form a proper subject of consideration. That vast object, if it should be ever accomplished, will be interesting, in a greater or less degree, to all parts of the world."

We were not in a position at that time to think of undertaking such a work ourselves, though our government was alert to the opportunity, and wished to participate in the advantages that would arise from a canal;—and Mr. Clay added:

"If the work should ever be executed so as to admit of the passage of sea-vessels from ocean to ocean, the benefit of it ought not to be exclusively appropriated to any one nation, but should be extended to all parts of the globe upon the payment of a just compensation or reasonable tolls."

The progress of events, and the growth of our importance as a nation, enlarged the interest of the people of the United States in the passage through the isthmus, which was taken up in the House of Representatives, in compliance with a memorial from the merchants of New York and Philadelphia, in 1839. A resolution was adopted by the House that the President should be requested "to consider the expediency of opening or continuing negotiations with the governments of other nations, and particularly with those the territorial jurisdiction of which comprehends the Isthmus of Panama, for the purpose of ascertaining the practicability of affecting a communication between the Atlantic and Pacific Oceans, by the construction of a ship canal across the isthmus, and of securing forever the free and equal right of navigating such Canal to all nations."

And a treaty was entered into, seven years later, in 1846, between the United States and the Republic of New Granada which was the first effective step taken by our government in the direction of the actual transit across the isthmus and of our participation in its construction and maintenance of way. This was a treaty of peace, amity, navigation, and commerce with New Granada and continued in operation by the Republic of Colombia, into which that state was subsequently transformed, —and it is to this agreement, entered into by us during the administration of President Polk, through an immense amount of negotiation and correspondence that has taken place since between ourselves and other governments, particularly those of the Central and South American Republics as well as Great Britain and France, that may be traced the origin of the interests and claims under which the United States have constructed the canal and are in control of the territory of the canal zone on the isthmus today. The treaty extended to the citizens of the United States all the privileges and immunities of commerce and navigation in the ports of New Granada that were enjoyed by

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the Granadian citizens themselves, and the government of New Granada guaranteed to the United States,—“that the right of way or transit across the Isthmus of Panama upon any modes of communication that now exist or may be hereafter constructed, shall be open and free to the government and citizens of the United States.” In return for these favors the United States guaranteed: “positively and efficaciously, to New Granada the perfect neutrality of the isthmus, with the view that the free transit from the one to the other sea may not be interrupted in any future time while this treaty exists; and, in consequence, the United States also guarantee, in the same manner, the rights of sovereignty and property which New Granada has and possesses over the said territory.”

Therefore, we had acquired a controlling influence at Panama which enabled us to play so prominent a part that we might begin to make effective plans for the construction of a canal; whether we should decide to build it ourselves, or whether the work should be done by others, it was quite certain that no canal could be made without our consent. We had secured the constant enjoyment to ourselves of the commercial privileges enjoyed by the inhabitants of New Granada, and as New Granada was a weak Power, we made the stipulation in return for the favors which she had shown to us that the United States government with its superior strength would protect New Granada in her rights of ownership on the Isthmus of Panama and would guarantee that she should always maintain her rights of sovereignty over that territory. We failed afterwards to carry out our agreement in this respect; and the protest of Colombia, taken upon its merits as a matter of international law, is very serious;—but that belongs to another subject.

Our attitude was made plain by the message with which the President submitted this treaty to the Senate, in 1847, for its approval and ratification, in which he announced formally the policy of the United States to develop the communication through the isthmus for the benefit of the commerce of the world at large.

Mr. Polk declared that the treaty did not “constitute an alliance for any political object, but for a purely commercial purpose, in which all the navigating nations of the world have a common interest.”

“The ultimate object is to secure to all nations the free and equal right of passage over the isthmus. If the United States should first become a party to this guaranty, it cannot be doubted that similar guarantees will be given to New Granada by Great Britain and France.”

Though if the proposition should be rejected by the Senate, the President said that “we may deprive the United States of

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the just influence which its acceptance might secure to them, and confer the glory and benefits of being the first among the nations in concluding such an arrangement upon the government either of Great Britain or France."

But at the time that this treaty was made, Great Britain claimed dominion in certain parts of Central America over which she exerted authority and of which she was in actual possession. These were the territory extending along the coast of Guatamala, called Belize or British Honduras, including an island called Ruatan and other Bay Islands, and she asserted a protectorate over a long stretch of Nicaragua inhabited by the Mosquito Indians and called the Mosquito Coast. She had a more direct claim upon and closer personal relation with the people of Central America than we had,—her occupation of British Honduras dating back at least to a treaty which she made with Spain, in 1786.

In pursuance of our policy, however, of creating a neutral territory at the isthmus, and of preventing the establishment there by any single foreign nation of exclusive control, we proposed, in 1850, that Great Britain should unite her interests with ours in order that not only the Canal should be built upon fair and equitable terms, "but that its construction should inure to the benefit of all nations and should offer equal opportunity to the commerce of the world"; and for this purpose we invited Great Britain, and she consented, to enter into a convention with us with the intention of setting forth and fixing the views and intentions of both governments, "with reference to any means of communication by ship-canal which may be constructed between the Atlantic and Pacific Oceans by way of the river San Juan de Nicaragua, * * * to any port or place on the Pacific Ocean." This was the Clayton-Bulwer Treaty, which was signed at Washington on the 19th of April, 1850, by Mr. John M. Clayton, then Secretary of State, and Sir Henry Lytton Bulwer, British Minister to the United States. By it: "The Governments of the United States and Great Britain declare that neither the one nor the other will ever obtain or maintain for itself any exclusive control over the ship-canal," will not "fortify, or colonize, or assume or exercise any dominion over Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America"; also, that neither Great Britain nor the United States would take advantage of any intimacy or alliance that it might have with any government through whose territory the Canal should pass, for the purpose of acquiring or holding any rights or advantages in regard to commerce or navigation through the Canal which shall not be offered on the same terms to the citizens or subjects of the other.

The treaty having thus provided for the joint action of Great

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Britain and the United States,—and it having been agreed that the two governments should give their support and encouragement to any persons or company that might first offer to begin the canal with the necessary concessions and capital,—the two contracting nations included in it the following statement:

“The Governments of the United States and Great Britain having not only desired, in entering into this Convention, to accomplish a particular object, but also to establish a general principle, they hereby agree to extend their protection, by treaty stipulations, to any other practicable communications, whether by Canal or railway, across the isthmus, * * * and especially to the inter-oceanic communications, should the same prove to be practicable, which are now proposed to be established by the way of Tehuantepec or Panama”; it being understood “that the parties constructing or owning the same shall impose no other charges or conditions of traffic thereupon than the aforesaid Governments shall approve of, * * * and that the same canals or railways, being open to the citizens and subjects of the United States and Great Britain on equal terms, shall also be open on like terms to the citizens and subjects of every other State which is willing to grant thereto such protection as the United States and Great Britain engage to afford.”

Thus, the Clayton-Bulwer treaty became the foundation for the understanding between ourselves and Great Britain and provided for an absolute equality between them in regard not only to the protection which they united to give to an interoceanic communication that should be established, but also formally declared that both governments should approve of any charges or conditions of traffic,—that is to say, tolls,—that might be imposed, and that no such tolls should be imposed in fact, which had not the approval and consent of both governments.

The United States government considered that it had entered into an agreement that was both just and equitable toward both parties, as a definition of the rights and duties of each and a basis upon which the Isthmian Canal should be built as a benefit to the commerce of the world.

And, further,—we not only held ourselves to be bound by the stipulations of this agreement, but we called upon Great Britain to sustain her part of it by a very strict interpretation of the law, quite beyond what the British Cabinet had expected in entering into the engagement, and a good deal more than it was willing at first to concede; for we contended that by the provisions of the treaty both nations had promised not “to make use of any protection or alliance which either has or may have with any state or people for the purpose of fortifying or colonizing Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America, or of assuming or exercising dominion over

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the same." And we called upon the British government, under this provision, not only not to extend its political influence in Central America, but also to give up such claims as it might already have acquired in British Honduras, the Mosquito Coast, and the Islands of the Sea.

This was not at all what Great Britain had understood to be her position under the treaty. Lord Clarendon declared (1854) that the contracting parties did not intend to include within its action "either the British settlement in Honduras nor the islands known as its dependencies"; that whatever claims or influence Great Britain may have had there previously should remain undisturbed; that the only question which might arise in regard to this was one relating to the boundary line of Honduras,—as to what was British Honduras and what was not.

To this settlement and these islands the treaty we negotiated was not intended by either of us to apply,—and the British government is more warranted in this conclusion from the fact that the United States sent a Consul to the settlement, in 1847, which Consul had received his exequatur from the British government which was a recognition of the British claim.

But, on our side, Mr. Marcy, Secretary of State, declared in answer to this (1856), that "Great Britain had not any rightful possessions in Central America, and at the same time, if she had any, she was bound by the express tenor and true construction of the Clayton-Bulwer Treaty to evacuate them, so as to stand on precisely the same footing in that respect as the United States."

This defines our position in regard to the affairs of the isthmus. It insists that Great Britain shall place herself upon an exact equality with us; that she must give up any claims or privileges in which we do not share, in order that we may be precisely alike;—but it marks also our obligation toward Great Britain, by our agreement that whilst we insisted that she should be on equal footing with us, we promised that we should be upon an equal footing with her. We won our case and England came ultimately to our understanding both as to the Mosquito Coast and the Islands, because of the Clayton-Bulwer Treaty;—but the provision of the Treaty was, that neither the United States nor Great Britain should exert any influence that either may possess, "for the purpose of acquiring or holding directly or indirectly, for the citizens or subjects of the one any rights or advantages in regard to commerce or navigation through the said canal which shall not be offered on the same terms to the citizens or subjects of the other."

General Cass said (1858): "What the United States wants in Central America, next to the happiness of its people, is the security and neutrality of the interoceanic routes which lead

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through it. If the principles and policy of the Clayton-Bulwer Treaty are carried into effect, this object is accomplished." It is to be observed that there are two distinct points of agreement which are set forth in this Treaty as well as in all of the voluminous correspondence that has taken place in regard to it,—which points of the agreement have never been lost sight of as the basis of the negotiations relating to the Canal across the isthmus; namely, *the neutrality of the canal* and *the absolute equality between ourselves and Great Britain in connection with it*. We demanded this from the start, and Great Britain has acceded to our demand with that principle in view,—which has never been changed.

She was willing to join with us in building the Canal, or she was willing that we should build it alone. And when after a good many years of delay we announced to her that we were in a position to undertake the work, and we made suggestions to her looking to that result, she agreed to make a new treaty with us, to supersede the old one, in order that the intended benefits might be secured and the work should progress.

The new treaty was signed in November, 1901, by Mr. John Hay, Secretary of State, and Lord Pauncefote, the British Ambassador,—whence it has since become widely known as the "Hay-Pauncefote Treaty."

By this contract the two Powers, "Being desirous to facilitate the construction of a ship canal to connect the Atlantic and Pacific Oceans, by whatever route may be considered expedient, and to that end remove any objection which may arise out of the Convention * * * called the Clayton-Bulwer Treaty, to the construction of such canal under the auspices of the Government of the United States, without impairing the 'general principle' of neutralization established in Article VIII of that Convention," agreed that: "The present Treaty shall supersede the aforementioned convention of April 19th, 1850, * * * that the canal may be constructed under the auspices of the Government of the United States," and that, "subject to the provisions of the present Treaty, the said government (the United States) shall have and enjoy all the rights incident to such construction, as well as the exclusive right of providing for the regulation and management of the canal." And, in order to make plain the understanding between ourselves and the British government, with whom we were dealing, we made this specific stipulation: (Article 3).—

"The United States adopts, as the basis of the neutralization of such ship canal, the following Rules, substantially as embodied in the Convention of Constantinople (28 October, 1888), for the free navigation of the Suez Canal":

"1. The Canal shall be free and open to the vessels of com-

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merce and of war of all nations observing these Rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the conditions or charges of traffic, or otherwise."

This is not an obscure subject. On the contrary, the United States entered freely and openly into these treaties, and the situation is one that we have created for ourselves.

We negotiated with Great Britain always with the understanding upon our part that she was to be upon the same footing as ourselves in regard to the Canal; and she accepted, yielding the advantages that she had acquired, in order to comply with our plans.

It is not a question now as to whether we made a good bargain or a bad one,—but it is of great importance to the American people that the United States government shall fulfill its engagements and shall carry out loyally its international obligations. (Applause.)

The CHAIRMAN: I have the honor to present to you a distinguished member of the Philadelphia bar whose studies on the subject of arbitration are well known, and who has come here this morning to discuss before you the question as to whether the Panama Toll question should be arbitrated—MR. THOMAS RAE BURN WHITE.

SHOULD THE PANAMA TOLLS QUESTION BE ARBITRATED?

ADDRESS OF MR. THOMAS RAE BURN WHITE

The question at issue between Great Britain and the United States, which has been so comprehensively and so ably discussed by Mr. Tower, relates exclusively to the interpretation of a treaty. The United States has asserted a construction of that treaty. A statute has been enacted by Congress and approved by the President. That statute assumes that United States vessels of a certain class may be allowed to pass free through the Canal, while foreign ships are charged tolls. It has vested in the Executive power to fix charges of traffic in accord with this construction. Great Britain, on the other hand, has asserted a contrary construction. "You cannot, under the Treaty," says she, "discriminate in favor of American ships and against British ships." Here is a sharply defined issue as to the meaning of the treaty. How shall it be decided? Great Britain requests that it be submitted to arbitration. Assuming that the United States refuses to recede from her position, what should be the answer to that request? 1

If we are inclined to answer it in the negative, we are imme-

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diately placed on the defensive when Great Britain points to the terms of the Treaty of 1908, between the two countries, which provides: "Differences which may arise of a legal nature or relating to the interpretation of treaties * * * shall be referred to the Permanent Court of Arbitration at The Hague * * * provided nevertheless that they do not affect the vital interests, the independence or the honor of the two contracting states." *Prima facie* we must arbitrate for we have agreed to do it. The case is within the very words of the treaty.

But there are those who say notwithstanding the treaty we should maintain our position and should refuse to arbitrate. Let us examine the reasons which have been put forward in support of this view.

The first is in an effort to escape altogether the force of the arbitration treaty. It is said no international difference exists and, therefore, the treaty is not applicable; that the matter is exclusively one of domestic policy; that we own the Canal and the territory through which it runs, and that no other nation has any right to inquire whether we shall charge tolls to our own vessels.

This argument is based upon a fallacy. It is not a domestic question. We do not own the Canal in any private or exclusive sense. It is a great international waterway. The Isthmus of Panama is a place designed by nature for such a waterway, and there is authority in International Law for the position that one nation, even if absolute owner thereof, could not exclude other nations from equal use of such a canal. If we have any rights upon the Isthmus at all, considering the way in which we got there, it is on the theory that we were acting not for our own private interests, but in the name of civilization for all the nations of the earth. The question, therefore, cannot be one of domestic policy.

But even if it were a matter of domestic policy we have made it an international matter for we have made a treaty about it. Even a matter of domestic concern becomes international in character, if two nations make it the subject of a treaty. As we have agreed with Great Britain that her vessels and ours shall use the Canal on terms of entire equality, an international question is necessarily involved.

But in the second place it is said that if we must admit an international question is involved, then rather than arbitrate we will abrogate the treaty, and an act has been introduced in Congress for that purpose. This is a bold step, also calculated to escape the binding force of the treaty. But can it be done? By this I do not mean, is it within the power of the United States to abrogate the treaty—of course, it is within her power—any sovereign state can violate her obligations if she chooses. But

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would such abrogation be sanctioned by international law or practice or by the public opinion of the civilized world? On this point there can be no two opinions. A treaty of a permanent nature between two nations can only be abrogated contrary to its terms where it plainly contemplates the continued existence of conditions which have ceased to exist. Is there any such pretense here? It is said there has been a change of territorial sovereignty; that the Hay-Pauncefote Treaty did not contemplate the construction of a canal through territory owned by the United States. But the answer to this contention is found in the treaty itself, which in Article 4 provides that "it is agreed that no change of territorial sovereignty or of international relations of the country or countries traversed by the before-mentioned canal shall affect the general principle of neutralization or the obligation of the high contracting parties under the present treaty."

But there is a further consideration. The Hay-Pauncefote Treaty was more in reality than a mere agreement between two nations. It was an adoption of a system of rules already in force for the conduct of the only other international waterway comparable to this—the Suez Canal; a system of rules sanctioned by the civilized world as the proper system for governing such a waterway. While the United States and Great Britain were the only parties to the treaty, it is not to be overlooked that as they are the two great nations dominating the western world, the other nations doubtless assumed that their interests were sufficiently protected by the guarantee of the United States, concurred in by Great Britain, that the ships of all nations should have equal treatment. As such canals are considered in international law as existing for the common benefit of mankind, and as there has been general acquiescence in the system of rules adopted for their control, these rules may be accepted as constituting a standard of conduct for this class of cases from which a state cannot depart without committing a breach of the "modus vivendi" of nations. The United States, therefore, cannot abrogate the treaty and violate the guarantees hitherto entered into, without not only a violation of her agreement with England but also a clear breach of international good conduct, which would give rise to claims for reparation from yet other nations.

Thirdly, admitting the binding force of the treaty, it is said, and this is the point raised by Secretary Knox, that no case for arbitration has arisen because no injury has yet been suffered. This objection is at most a technicality, which does not go to the merits of the question. A difference has arisen relating to the interpretation of a treaty, the very case covered by the language of the arbitration treaty of 1908, and there is no valid

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reason why it should not be submitted to arbitration before rather than after the infliction of actual injury. Such a course would certainly tend to avoid international friction. The argument against this position assumes that until some injury has been suffered a question existing between two nations is academic or political rather than legal, and that political questions are not susceptible of being decided by courts of arbitration. But even if the question be political, that is not a conclusive reason or indeed any reason why it should not be arbitrated. The Final Acts of both Hague Conferences expressly state that "the submission to arbitration * * * may embrace *any* disputes," which includes political disputes, and the language of the Treaty of 1908 in providing that "differences * * * relating to the interpretation of treaties" should be submitted to arbitration does not exclude political differences of this character.

But aside from this it is not clear that no injury has as yet been inflicted. The announcement by a solemn act of legislation of the interpretation placed upon the Hay-Pauncefote Treaty by the United States is in effect a declaration that discrimination can legally be made in favor of United States vessels. Although no vessels have yet passed through the Canal, and no discriminative rates have actually been imposed with consequent effect upon commerce, it cannot be said that no injury has been inflicted by this declaration of the interpretation of the Treaty. Doubtless preparations are now being made in some quarters for the carrying of commerce through the Canal, and the industries engaged in preparing for such commerce, either in the building of ships or in the arranging of other matters preliminary thereto, may be and probably have been unfavorably affected. The contention that no injury has been suffered, therefore, falls to the ground, and for this additional reason the argument based on this thought has no substantial basis.

In the fourth place there are those who say we should decline to arbitrate on the plea that the question is one of such importance that we should seek to escape on the ground that our vital interests are involved, and, therefore, we are within the exceptions to the Treaty of 1908. In discussing this phase of the matter we should consider what character of questions we have arbitrated in the past, and especially with Great Britain, whether they have been merely petty matters or of as great importance as that now before us.

The history of arbitrations between Great Britain and the United States has been a notable one. It began almost immediately after the Treaty of Paris in 1782. A vast and unknown wilderness lay between the settlements of the United States and

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Canada. The boundary line was traced through that wilderness by the Commissioners who negotiated the treaty of peace to the best of their ability. But by reason of insufficient knowledge of the topography of the country and the lack of accurate maps, the boundary line had to be subsequently fixed in almost every part either by arbitration or direct negotiation. At the eastern end the identity of the St. Croix River, forming part of the boundary, was decided in 1797 by arbitration. At the western end the long dispute was ended three-quarters of a century later, by the decision of the arbitrators in the case of the San Juan Water boundary. Much of the boundary line between these limits and these dates was fixed in a similar manner.

In comparison with these mighty problems, involving hundreds of thousands of square miles of territory, affecting the vital interests of both nations, and concerning which there was an earnest discussion if not an acrimonious controversy for a period of nearly one hundred years, how small seems the question whether we shall have the right to grant what is in effect a small subsidy to a limited number of coasting vessels.

But there is another instance, passing over the numerous lesser ones, which will immediately occur to your minds. I refer, of course, to the Geneva Arbitration and the Alabama claims. Only twice in our history has the United States been so nearly in conflict with Great Britain as she was at the close of the Civil War. The premature recognition of the belligerency of the Southern States; the cloud of blockade runners which issued from British ports, carrying arms and supplies to the Southern armies; the scarcely veiled sympathy of England for the South; the destruction of United States shipping by vessels of war which it was believed had been fitted out in British ports, until, as Charles Sumner put it, on the floor of the Senate, the ocean was ablaze from these pirate ships,—all these things stirred the nation to the depths and the demand for redress was insistent and uncompromising.

But, on the other hand, consider the position of Great Britain. A serious claim had been made against her; a charge that she had violated the laws of neutrality; that she had been guilty of bad faith—these questions affected her honor, and in 1865 Earl Russell, who was then conducting the correspondence on behalf of Great Britain, said that "neither of the questions as to which arbitration had been suggested could be put to a foreign government with any regard to the dignity and character of the British Crown and the British Nation. Her Majesty's government are the sole guardians of their own honor. They cannot admit that they have acted with bad faith in maintaining the neutrality they professed."

Great Britain had little to gain and much to lose by yielding

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to the demand of the United States that the questions at issue should be submitted to arbitration. But she yielded; notwithstanding the questions involved her honor and notwithstanding the protests of a considerable and respectable portion of her own citizens—she yielded, and the result was the Geneva Arbitration, which has been aptly termed “the noblest spectacle of modern times, in which two great and powerful nations, gaining in wisdom and self-control, and losing nothing in patriotism or self-respect, taught the world that the magnitude of a controversy need not be a bar to its peaceful solution.”*

As compared with the issue thus submitted and decided, how trivial, how less than trivial seems the question now at stake. It does not concern our honor, or our vital interests, as those words had been construed by us in cases where we have demanded arbitration of Great Britain.

Fifthly, and this is a reason not based upon logical but solely upon practical grounds, it is said the United States could not get a fair hearing before any court composed of judges of The Hague Tribunal, because all European nations are interested in the controversy. While it is not to be supposed the judges of The Hague Court would intend to be otherwise than fair and impartial, yet the danger of unconscious bias would exist and there is much truth in this contention. A discussion thereof may be avoided, however, by pointing out that Great Britain has not requested that the question be submitted to The Hague Tribunal, but has merely suggested that it be arbitrated. There is no reason to suppose she would not consent to the establishment of a tribunal in any way which would be fair to both parties. I have little doubt that if the question were submitted to a court consisting of an equal number of judges of the highest courts of England and America they would have no difficulty in deciding it and probably without any dissenting opinions.

Sixthly and lastly, there are some patriotic gentlemen in Congress and out of it, who say without assigning any reasons that we will not arbitrate but will decide the question for ourselves; that we will be the judge in our own cause. But the United States cannot afford to take that position. We have claimed to be, and have been the leader in the cause of international arbitration. It has been our especial concern almost from the foundation of the nation. The occasions upon which Congresses and Presidents and Secretaries of State and other officers have urged upon the world the desirability of providing for the peaceful settlement of international disputes through submission to arbitration could scarcely be enumerated in the time allotted to these remarks.

We co-operated in establishing the Permanent Court of Inter-

* J. B. Moore in “The U. S. and International Arbitration.”

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national Arbitration at The Hague; we took a leading and most honorable part in the effort to secure from the Second Hague Conference the establishment of a real international court of justice, and we have declared in the most solemn manner, upon many occasions, that we are in favor of treaties providing for the compulsory submission of international disputes to such courts.

We have declared, but these declarations have been for the most part mere statements of abstract principles; we have arbitrated but these arbitrations have been almost entirely in cases where the decision was not within our own power and where we were confident we would win. But now, when the first real test has come—when an occasion has arisen where we have the power to say we will be the judge of our own conduct and where it is at least doubtful whether we would win, if we submitted to arbitration—what are we about to do? Are we about to renounce all our previous professions? Although we have insisted that others should submit our claims against them to arbitration, are we now about to refuse them the same justice we demanded? To do this would violate our solemn contract to arbitrate questions of this character, would convict us of insincerity in our advocacy of the principle of international arbitration, and would so injure our prestige that we could not with hope of success, undertake further efforts in this field. I cannot believe the American people will so decree. We have not been hypocritical in our professions; when we have said, as we have said on many occasions, that we believe international questions should be decided in the judicial chamber, rather than upon the field of battle, we have meant what we said, and as we have insisted upon the application of this principle to others, we will insist upon its application to ourselves.

Our country's greatness has consisted not in the size of its fleets or armies, but in the maintenance of high ideals of justice and fair dealing and the keeping of contracts among the nations. We must continue to maintain and practice those ideals if we would continue to receive the respect and confidence of mankind. We must be willing to submit disputes to arbitration, even though in danger of losing, where the nature of the case and our traditional policy demands that we should do so. (Applause.)

The CHAIRMAN: The next speaker is a well known scholar whose studies in regard to the Panama Canal, embodied in the report which he has made as Special Commissioner of the United States government, have been the foundation upon which our government has built, so far, its policy of management. I have very great pleasure in introducing to you Dr. EMORY R. JOHNSON, Professor of Transportation and Commerce in the University of Pennsylvania..

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THE COUNTRY'S INTEREST IN TOLLS UPON COASTWISE SHIPPING

ADDRESS OF EMORY R. JOHNSON, PH.D.

The people of the United States are deeply interested in the Panama Canal. The achievement of our engineers at Panama is a source of national pride, and it is the earnest desire of every patriotic citizen that the administration of the Canal shall be as creditable to our country as its construction has been; that the policy of the United States in the operation of the Canal shall commend itself to the judgment of the American nation and of all countries the world over.

The Hay-Pauncefote Treaty and the policy of exempting the coastwise carriers from toll payment are questions that are being earnestly debated. The issues involved concern our relations with foreign countries; it is the belief of a large part of the people of the United States that the issues involve the nation's honor; and it is the conviction of an apparently increasing number that the controversy over the Hay-Pauncefote Treaty has arisen because of the granting of an unjustifiable subsidy to the owners of coastwise vessels.

It is not my purpose to discuss the Hay-Pauncefote Treaty, nor could I do so with propriety. It is well known that two views are held as to the meaning of that treaty. One interpretation of the treaty is that it provides for the use of the Canal under the same conditions by vessels of all flags, American and foreign; that the principle of the equal and neutral use of the Canal as broadly established by Article 8 of the Clayton-Bulwer Treaty of 1850, was incorporated without impairment in the Hay-Pauncefote Treaty of 1901; and that we have promised by that agreement to treat the vessels owned by citizens of our country the same as we treat vessels under the British or other foreign flags.

The other view entertained as to the meaning of the Hay-Pauncefote Treaty is that by it the United States formulated the rules to be observed by nations other than the United States in their use of the Canal; that the United States by this treaty with Great Britain guaranteed to treat vessels under the British flag as favorably as the vessels under the flags of other foreign nations. Those who hold this view of the treaty contend that Congress did not violate the treaty in exempting the owners of coastwise shipping from the payment of tolls.

Article 3, Section 1, of the Treaty, declares that:

The canal shall be free and open to the vessels of commerce and of war of all nations observing these Rules, on terms of entire equality, so that there shall be no discrimination against any such nation, or its citizens or subjects, in respect of the

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conditions or charges of traffic, or otherwise. Such conditions and charges of traffic shall be just and equitable.

The British government holds that this and other parts of the treaty obligate the United States to charge the same tolls on vessels of American ownership and registry as are levied upon vessels registered in Great Britain and other foreign countries, and the British government requests that should this view not be accepted by the United States the meaning of the Hay-Pauncefote Treaty shall be determined by arbitration in accordance with the provisions of the Arbitration Treaty of 1908.

It must be especially gratifying to the people of the entire country that both ex-President Taft and ex-President Roosevelt have declared themselves unequivocally in favor of submitting to arbitration the meaning of the Hay-Pauncefote Treaty, if the question at issue cannot be satisfactorily settled by diplomatic negotiations.

Another way of setting at rest the present controversy is to repeal the toll exemption clause of the Panama Canal Act of August 24, 1912. Bills to repeal that clause have been introduced into the House of Representatives and the Senate. Thus, while the executive department of the Government is carrying on diplomatic negotiations with Great Britain as to the meaning of the Hay-Pauncefote Treaty, Congress is to consider whether it may not be wise to repeal the toll exemption clause and thus to remove all cause of international controversy.

As between arbitration of the question of the exemption of the owners of the coastwise shipping from the payment of Panama tolls, and the repeal of the toll exemption clause of the Canal Act, the latter course seems the simpler and the wiser one to pursue. If we arbitrate and lose, we must either return the tolls that have been collected or make some other equivalent compensation for the tolls collected in violation of the treaty, and henceforth either charge no tolls or collect the same tolls on all vessels using the Canal. If we arbitrate and win, we will but have established our right to pursue a policy which is, at least, of doubtful wisdom.

Whatever the Hay-Pauncefote Treaty may ultimately be held to mean, the policy of exempting the owners of the coastwise ships from Canal tolls should be decided upon its merits. Although it be admitted that the international bearings of the question are of paramount importance at the present moment, the wisdom or unwisdom of coastwise toll exemption as a domestic policy ought to receive careful consideration. Indeed, there seems special reason for calling attention to the economic and financial effects of toll exemption and of urging that those effects be carefully studied.

The American people will insist that our treaty obligations,

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whatever they may be, shall be fulfilled. The national conscience may be relied upon ultimately to require our government to maintain our honor among nations. In the treaty of 1908, we agreed with Great Britain that "differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two contracting parties, and which it may not have been possible to settle by diplomacy, shall be referred to the permanent court of arbitration at The Hague." It can hardly be doubted that our country will live up to the principle established by this treaty. Diplomatic negotiation, or the arbitration of the meaning of the Hay-Pauncefote Treaty will eventually adjust the international question; but our course concerning toll exemption as a domestic policy must be determined by our judgment as to what is in the interest of the general public; and, in this case, a sober second judgment must determine our final decision.

It will hardly be necessary to urge upon this audience the importance of adhering to business principles in the management of the Panama Canal. It will be accepted by you as axiomatic that the United States Government should operate the canal in a businesslike way; that the tolls charged by the government should, if possible, be such as will stimulate traffic and at the same time safeguard the owners of the waterway against an annual deficit. If it were a private enterprise, you would insist upon its being managed, if possible, so as to yield its owners a profit; but the canal being a government undertaking, you would probably deem it wise to collect such revenues as are needed to meet operating and maintenance expenses and interest charges, and to provide a sinking fund that will eventually return to the treasury the sum invested in the Canal.

The Panama Canal Act of August 24, 1912, authorized the President to fix the tolls within a maximum limit of \$1.25 per net vessel ton; and the President, acting in accordance with that law, has established a schedule of tolls which impose a charge of \$1.20 per net ton upon merchant vessels and 50 cents per displacement ton upon warships. These tolls are reasonable and are within what the traffic will readily bear. They put the Suez and Panama Canals upon an even footing as competitors for the trade between the countries of the north Atlantic and the countries of the Orient. They will not divert from the Canal route much of the traffic of the west coast of South America. They would amount to but a small part of the saving effected by the Panama Canal for ships making voyages between the two seaboards of the United States. Indeed, the tolls of \$1.20 per net ton upon merchant vessels would be equivalent to an average of only about 60 cents per ton of cargo carried through the canal by freight vessels; for freight steamers have an average

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loading of $1\frac{3}{4}$ to $2\frac{1}{2}$ tons of cargo for each net vessel ton. The uses of the word ton are confusing; but a ton of ocean freight means either 2,240 pounds or 40 cubic feet of space, while a vessel ton means 100 cubic feet. It is usually possible to stow between two and three tons of freight in a space of 100 cubic feet.

Doubtless all will agree that the Canal ought not to be a continuing burden upon the general taxpayers of the country. It should be made commercially self-supporting, if that can be done without unduly restricting the usefulness of the waterway to the commerce of the United States and to the trade of the world. The canal will have cost the people of the United States at least \$375,000,000. The interest and principal of this investment must be paid either from the funds secured by general taxes or from the revenues derived from canal tolls. Political prudence as well as sound methods of public financing make it advisable to require those who derive immediate benefit from the Panama Canal to pay a reasonable toll for the use of the waterway. The United States should conserve its revenues. They are required in ever larger amounts for the promotion of the public health, for public works and for the maintenance of the military power and naval prestige of the United States. Taxes must inevitably increase, and if the burden of carrying the Panama Canal is to be thrown upon the federal treasury and the taxpayers of the country instead of upon the producers, traders, and shipowners who make profitable use of the Canal in carrying on their business, the reasons must be clear and convincing.

It is estimated that \$19,250,000 will be required annually to make the Canal commercially self-sustaining. This total is made up of \$3,500,000 for operating and maintenance expenses, \$500,000 for sanitation and zone government, \$250,000 which is the annuity payable to Panama under the treaty of 1903, \$11,250,000 to pay 3% on the \$375,000,000 invested in the Canal, and \$3,750,000 for an amortization fund of 1% per annum upon the cost of the Canal.

The revenues to meet these expenses must be secured from the tonnage using the Canal. It is estimated that during the first year or two of the Canal's operation the annual net tonnage of the shipping passing through the Canal will amount to about 10,500,000 tons. Of this amount about 1,000,000 net tons will consist of shipping engaged in the coastwise trade of the United States. It is further estimated that by the end of the first decade, that is, in 1925, the total net tonnage of shipping passing through the Canal annually will be about 17,000,000 tons, of which at least 2,000,000 tons will be contributed by the coastwise shipping.

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It is thus possible that about \$12,600,000 per annum might be secured from tolls during the first two or three years of the Canal's operation, if all vessels, American and foreign, were required to pay the tolls fixed by the President in his Proclamation of November 13, 1912. If the Panama Canal Act stands unamended and the coastwise shipping is exempted from tolls, the initial receipts from the Canal will probably amount to less than \$10,500,000 per annum.

The total traffic in 1925 will presumably amount to about 17,000,000 net tons. In all probability the rate of tolls will by that time, have been reduced to \$1.00 per net ton upon merchant vessels. It will not be wise to charge higher tolls at Panama than are levied at Suez. The tolls at Suez are now \$1.20 per net ton and they have been reduced four times during the past decade. It is probable that the prophecy of de Lesseps will be realized and that the Suez tolls will, within a few years, be brought down to 5 francs, about \$1.00 per net ton. There is thus a possible aggregate revenue of \$17,000,000 per annum in 1925, obtainable from canal tolls, if all ships are required to pay the dues. The exemption of the coastwise shipping will reduce the revenue in 1925 to about \$15,000,000 a year, or to less than the estimated annual outlay for operation, Zone sanitation, and government, the Panama annuity and the interest on the amount invested in the Canal. The revenues would yield no surplus for betterments and nothing for the amortization of the \$375,000,000 or more which the people of the United States will have paid for the Canal.

These calculations indicate clearly that the United States will need to collect tolls from the owners of the ships engaged in the American coastwise trade in order to secure revenues large enough to meet the Canal's current expenses and its capital charges. The United States can be justified in relieving the coastwise carriers from the payment of tolls, and thus in reducing the canal revenues by \$18,000,000 or \$20,000,000 during the first decade of the operation of the waterway, only upon the condition that the general public rather than the owners of the coastwise vessels, will profit from the loss of revenue to the government. Who will gain by toll exemption, the coastwise carriers or the general public?

Perhaps the most convincing evidence upon this question is the testimony of men who make or control rates. The manager of a large steamship company engaged in the trade between the two seaboard of the United States remarked that "it has always been my theory that the ship rather than the shipper paid the tolls." The vice-president of the Pacific Mail Steamship Company, who is a practical railroad man as well as an experienced steamship man, testified before the Senate Com-

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mittee on Interoceanic Canals last year that the tolls on the coastwise shipping will be an operating expense that will have to be borne by the carrier. The head of one of the largest manufacturing corporations of the United States, a corporation that operates a large fleet of ocean steamers, gave it as his opinion that the rates of freight between the two seaboard will not be affected by the tolls upon coastwise shipping.

You are familiar with the theory that transportation charges are fixed primarily with reference to what the shipper can afford to pay—what the traffic will bear—and only secondarily with regard to the cost of the service. Carriers, whether by rail or by water, cannot disregard the costs of the service, but they make their rates such as they think shippers can afford to pay.

You also know it to be the practice of steamship lines when operating between common termini to adjust their rates and services by conferences. The relation of the coastwise steamship companies with each other will be so regulated in their conferences that their charges will tend to be what the traffic will bear, that is, what shippers will pay to have their goods transported by water instead of by rail. The tendency of the coastwise carriers operating through the canal will be to adjust their charges with reference to the schedules of railroad rates. In other words, the charges of the steamship lines will not be based upon the costs of service, including the tolls, but will be what the traffic will bear. Thus, whether there be tolls or not, the rates paid by shippers patronizing the coastwise lines will be the same.

The exceptionally large producers and traders who ship goods in vessels which they own or charter will, it is true, enjoy lower transportation charges between the two seaboard of the United States, if the government relieves them from the payment of Panama tolls; and in so far as the railroads compete with chartered vessels for lumber, coal, ore, and similar traffic, the Canal tolls will be of advantage to the railroads. This advantage, however, will be more theoretical than real, for it is not probable that the railroads can compete with the carriers by water for bulk cargoes of lumber, coal, ore, and similar products. The railroads will be obliged to allow that traffic to go by water and the charter rates on that traffic will not be affected by rail competition.

In considering the effect of the canal upon railroad rates, the fact should be borne in mind that only a small portion of the total traffic of the transcontinental railroads will be subject to rail and water competition. It has been estimated that if the transcontinental railroads maintain their schedule of rates they may possibly lose one-tenth of their through traffic to the coastwise carriers. It will doubtless be the policy of the railroads to

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allow a portion of the traffic that might, by active rate competition, be held to the rails to be shipped coastwise through the Canal. It will be more to the advantage of the railroads to maintain profitable rates upon their traffic as a whole than to disturb their intricate rate structure for the sake of holding that small portion of their traffic for which the water carriers may possibly compete.

Briefly stated, the rates on traffic handled by regular steamship lines between the two seaboard will be but slightly affected by Canal tolls. Only such producers and traders as use vessels which they own or charter for the shipment of full cargoes will profit by the exemption of the coastwise shipping from tolls. Probably 99 out of every 100 shippers will pay the same rates whether there be tolls or not. If the regular steamship lines are required to pay Panama tolls, their payments to the government will be a part of their operating expenses which will thus be increased by the amount of the tolls. If the steamship companies are exempted from the payment of tolls they will thereby receive a subsidy equal to the amount of the tolls not collected by the government.

The policy of toll exemption for the owners of the coastwise ships was urged upon Congress by appeals to patriotism. It was held to be a duty to aid the merchant marine under the American flag; and a subsidy in the form of toll exemption was granted to the owners of coastwise ships. No assistance has been given vessels serving the foreign trade of the United States. The carriers that have been given this subsidy have a monopoly of the coastwise traffic; no foreign-owned ships are allowed to enter the domestic trade. Was the subsidy necessary or is it justifiable?

Senator Root in the eloquent and forceful speech which he delivered in the Senate January 21, characterized the coastwise shipping business as "the most highly and absolutely protected special industry in the United States." This industry, moreover, is prosperous, not languishing. There are over 3,500,000 gross tons of ships enrolled for the domestic trade, on the Atlantic and Pacific seaboard. There was an increase in tonnage of 38 per cent during the decade ending in 1911, and the opening of the Panama Canal will cause a large addition to be made to the coastwise fleet. It would seem that our navigation laws now give the shipping owned by the coastwise carriers sufficient aid and protection. At least, the burden of proof is upon the coastwise steamship companies to show need of further assistance.

In advocating the policy of adhering to business principles in the management of the Panama Canal, it is not recommended that the rate of tolls should be high. Indeed, the schedule of charges fixed by the President establishes relatively low rates—

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rates that will not unduly restrict the use of the Canal. The owners of the vessels that serve the coastwise trade will derive greater benefit from the Canal than will the owners of any other vessels. Rates double those established by the President might be imposed without preventing the Canal from being used by the coastwise carriers. In view of these facts, it seems just that those who derive immediate benefit from the use of the Canal should pay reasonable tolls. (Applause.)

The CHAIRMAN: The subject which we are discussing this morning is so full of interest, and so large, that it extends to the whole American people. It is very fortunate for us that we have present a gentleman who comes from the Pacific Coast, in order to express the opinion held by himself, and those whom he represents, on this subject. I take great pleasure in presenting to you the Honorable JOSEPH R. KNOWLAND, Member of Congress from California.

THE RIGHT OF THE UNITED STATES TO CONTROL THE PANAMA CANAL

ADDRESS OF HON. JOSEPH R. KNOWLAND

No patriotic American would countenance the violation by this country of a sacred treaty obligation. On the other hand, would not the citizen be lacking in patriotism who would hastily and without most careful and painstaking investigation blindly accept an interested foreign nation's interpretation of a disputed treaty, a construction that would not only deprive this country for all time of most important commercial advantages, but would be a surrender of invaluable rights affecting the very safety of the United States?

It has been charged that when the Panama Canal bill dealing with the subject of tolls was before Congress that the question of our treaty obligations was not given the proper consideration. The truth is, and I challenge a denial because the record bears me out, that no question has been before Congress in years in which greater interest was manifested and upon which more exhaustive debate was had.

The bill was reported to the House from the Committee on Interstate and Foreign Commerce on March 16, 1912. I presented on March 20 the minority report which upheld the right of the United States government to pass free of toll its own ships as well as American coastwise ships. Copies of both the majority and minority reports were placed in the hands of every member of the House accompanied with a letter calling particular attention to the toll section. It was not until May 21, two months later, that the toll provision was voted upon. While the

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bill was actually considered in the House but six days, the time allotted was longer than usually accorded measures other than great appropriation bills. The chief debate was upon the toll provision which naturally provoked a discussion of the concomitant question of our treaty obligations. The amendment providing free tolls for our American coastwise ships was adopted on roll-call by a majority of 19. This vote carries with it a particular significance when we consider that the majority of the committee in charge of the bill opposed free tolls, which made the fight more difficult owing to the inclination of members to follow committee recommendations as a matter of regularity. Let it also be borne in mind that this vote was taken before either the national platforms of the Democratic or Progressive Parties had declared in favor of the policy of free tolls for American coastwise ships.

The bill then went to the Senate, and on May 24 was referred to the Committee on Interoceanic Canals. It was not reported from that committee until June 12, and did not finally pass the Senate until August 9. In the meantime this Government was officially notified of Great Britain's protest. The vote in the Senate on the provision favoring free tolls for American coastwise ships was 44 in favor to 11 against, a decisive majority of 33. The debate in the Senate was even more exhaustive than that which took place in the House, and both in the Senate and House there was not a member who voted for the exemption who was not firmly convinced, after careful investigation, that the enactment of the bill into law would not be in contravention of any treaty obligation. I know from personal knowledge that in the House many voted against the exemption because opposed to the policy, but still held strongly to the belief that our treaty obligations did not prevent us from favoring our own ships if we saw fit to do so.

The Panama Canal Act of August 24, 1912, which provides for "the opening, maintenance, protection, and operation" of this American waterway is objected to by Great Britain—

First. Because of certain language contained in section 5, which provides in fixing tolls that the rate may be less for "*vessels of the United States and its citizens*" than the estimated proportionate cost of the actual maintenance and operation of the canal." The significance of this language is that it reserves to the United States the right to pass through this canal, constructed through what is practically American territory, and which will have cost our Government over \$400,000,000 before completed, its own ships of war and other Government vessels free of toll. It also leaves open for the future determination of the President of the United States the question of favoring American ships utilizing the canal in the foreign trade. The

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President, however, in his Panama Canal proclamation of November 13, 1912, fixed the same rate of toll for American ships in the foreign trade as for foreign ships.

Second. Great Britain objects to the language of this same section by which we fulfill our treaty obligations with the Republic of Panama in accordance with article 19 of that convention, permitting the government of the Republic of Panama "to transport over the canal its vessels and its munitions of war in such vessels at all times without the payment of tolls."

Third. Great Britain further objects to the exemption from the payment of tolls of "American vessels engaged in the coastwise trade of the United States."

Fourth. It is attempted to limit and restrict our power even to remit tolls as is done by certain foreign nations using the Suez Canal, although the Hay-Pauncefote treaty, according to the British note of November 14, 1912, aimed "at carrying out the neutralization of the Panama Canal by subjecting it to the same régime as the Suez Canal."

Fifth. Section 11 of the act, which seeks to prevent railroad control of this waterway is questioned by Sir Edward Grey because of the fear that its provisions may apply, as they unquestionably do in my opinion, to the Canadian trans-continental railroads which have voluntarily placed themselves under the provisions of the interstate commerce act of the United States.

To sum up the British objections, we are denied the right to pass free of toll our own battleships and other Government vessels; ships engaged in the coastwise trade of the United States, in which traffic the ships of England cannot now engage must pay a toll in passing through this American waterway; we are virtually asked to violate our treaty obligations with the Republic of Panama; there is a practical denial of, or at least an attempt to limit, our right to follow at Panama the practice of foreign nations in remitting tolls to merchant ships through the Suez Canal, thus placing this country at a disadvantage, and finally, in reference to the excellent provisions of section 11, we are threatened with a protest if Canadian steamships owned by Canadian railroads, which railroads have voluntarily come under the interstate commerce act and thus subjected themselves to the same restrictions and regulations as American railroads, are to be amenable to the same laws. Was there ever a more striking example of inconsistency? Equality of treatment demanded for British shipowners in sharing benefits, but a protest against equal treatment when the act imposes restrictions applying to American shipowners!

I call attention in detail to these British objections because there are evidently many citizens who have been led to believe that the protest refers only to the exemption of American coast-

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wise ships. By this brief statement it can be appreciated that the protest is more far-reaching and consequential.

It is generally believed in Washington that the British protest was due to the action of Canadian railroad officials. Prior to the receipt of the first English note certain government officials of Canada visited England, and we were informed by cable dispatches printed in the newspapers that they took up this question *with particular reference to the provisions of section 11, the railroad section*. Of course, they had the sympathy and active support of American transcontinental railroad interests, which interests are now engaged in urging the repeal of the objectionable provisions of the canal act, namely, sections 5 and 11. I am fair and frank enough to admit that many excellent citizens, advocates of peace—and I am a peace advocate and in favor of arbitration, as I will show later—favor repeal because of the belief, and in some instances solely upon the authority of certain Americans, that we have violated a treaty. I am constrained to direct attention to the fact that there are representatives of powerful interests favoring repeal who are crying “live up to our treaty obligations,” but who are, I fear, far less interested in this phase of the question than they are in the more important consideration of preventing the canal from becoming too great a competitor of the trans-continental railroads.

Article 3, paragraph 1, of the Hay-Pauncefote treaty, which it is claimed we violate, reads as follows:

“That the canal shall be free and open to the vessels of commerce *and of war* of all nations observing these rules on terms of entire equality, so that there shall be no discrimination against any such nation or its citizens or subjects in respect to the conditions or charges of traffic or otherwise. Such conditions and charges of traffic shall be just and equitable.”

I have always contended that this section simply bound us as the owners of the Canal to treat all foreign nations fairly, preventing discrimination in favor of one foreign nation as against another. The use of the words “vessels of war” to my mind is conclusive evidence that the word “vessels” referred exclusively to foreign nations, for it is inconceivable and a reflection upon the patriotism of the framers of the treaty that the United States would foreclose its right to pass free of toll through its own waterway warships as well as lighthouse tenders, revenue cutters, transports, and other craft. Realizing the force of this argument the opponents of exemption now say that we must consider this section in connection with certain language of the Clayton-Bulwer treaty (which many had supposed was superseded by the Hay-Pauncefote convention), contained in article 8, which still compels us to carry the burden of that instrument. What is the meaning of neutralization?

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Many authorities contend, and I think rightfully, that neutralization cannot, by any strained construction, be inferred to mean conditions of traffic, but relates only to conditions of war.

The contention has been made that the Senate understood that the words "all nations" included the United States, and with this conception of the treaty voted down an amendment which, in specific language, reserved to the United States the right to exempt American coastwise ships from the payment of tolls. They neglect to mention that several amendments were decisively rejected that permitted us to fortify the Canal, their rejection being due to the belief on the part of Senators that we had that right without such a provision. Evidence which I will now submit proves that the same opinion prevailed touching our right to exempt American coastwise shipping.

I have here a letter from Senator Bard, who resides in California, which is conclusive. I will read the following extracts from this letter:

"When my amendment was under consideration *it was generally conceded* (the italics are his) by Senators that even without that specific provision the rules of the treaty would not prevent our Government from treating the canal as part of our coast line, and consequently could not be construed as a restriction of our interstate commerce, forbidding the discrimination in charges for tolls in favor of our coastwise trade, and this conviction contributed to the defeat of the amendment."

We will not rest our case in this particular upon the statement of the author of the amendment, but will quote a Senator who voted against the amendment, no less an illustrious member of the Senate than Hon. Henry Cabot Lodge, who was one of the 11 Senators who voted last year against exempting coastwise ships, so he must be regarded as a disinterested witness. I quote from the *Congressional Record* of July 17, 1912:

"Mr. LODGE: Mr. President, it so happened that I was in London when the second Hay-Pauncefote treaty was made, and, although the draft was sent from this country, that treaty was really made in London. I mention this merely to show that I had some familiarity with the formulation as well as the ratification of that treaty. When the treaty was submitted by the President to the Senate, it so happened that I had charge of it and reported it to the Senate.

"The second Hay-Pauncefote treaty, as Senators will remember, embodied, in substance, the amendments which the Senate had made to the first Hay-Pauncefote treaty. England had refused to accept those amendments, and then the second treaty was made embodying in principle all for which the Senate had contended.

"When I reported that treaty my own impression was that it left the United States in complete control of the tolls upon its own vessels. I did not suppose then that there was any limitation upon our right to charge such tolls as we pleased upon our own vessels, or that we were included in the phrase 'all nations.'"

Again, on July 20, 1912, Senator Lodge stated on the floor of the Senate in reiteration of this view:

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"I voted against it in the belief that it was unnecessary; that the right to fix tolls, if we built the canal or it was built under our auspices, was undoubted. I know that was the view taken by the then Senator from Minnesota, Mr. Davis, who was at that time chairman of the committee. I certainly so stated on the floor. * * *

"I personally have never had any doubt that the matter of fixing tolls must necessarily be within our jurisdiction, and when I referred to our going to The Hague as useless I did not mean because our case was not a good one. I meant because, in the nature of things, we could by no possibility have a disinterested tribunal at The Hague. It would be for the interest of every other nation involved to prevent our fixing the tolls according to our own wishes. * * * I know that was my opinion and the opinion of the chairman of the Committee on Foreign Relations at the time."

Senator Clapp, of Minnesota, who was present when the Bard amendment was voted upon, holds similar views, as here set forth, and I quote from the *Congressional Record* of July 17, 1912:

"I know I was here at the time, although I do not recall all of the speeches. But while some of us voted insisting, in some instances, that these things should be explicit and in others voting with the majority upon the ground that they were covered anyhow. I believe, both with reference to the coastwise trade and especially with reference to the question of fortification, that many of the votes cast against those express provisions were cast upon the theory that without them we nevertheless had the right to do them.

"Mr. O'GORMAN: That the provisions were unnecessary?"

"Mr. CLAPP: Yes; that they were unnecessary."

Senator Perkins, then and still a member, stated in the Senate on August 6, 1912:

"I wish to state that Senator Davis, of Minnesota, was at that time chairman of the Committee on Foreign Relations. He was, as is conceded by all, an authority on international law, and took the view stated by the Senator from New York and that stated by the Senator from Washington. There is no question about it that the rules we did make were to govern other nations than ourselves."

As I have already set forth, the British note of November 14, 1912, protests against article 19 of our treaty with the Republic of Panama, proclaimed in 1904. For over eight years there was no protest on the part of Great Britain against this alleged discrimination in favor of the ships of Panama. Why this belated protest, might we ask? The answer is plain. The contention of Great Britain would become untenable as to American ships if exception was not taken to the Panama treaty.

Senator Root, while Secretary of State, negotiated a treaty with the Republic of Colombia which permitted that Republic to pass through the Canal—

"Troops, material of war, and ships of war without paying any duty to the United States, even in the case of an international war between Colombia and another country."

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It was ratified by the United States, but rejected by Colombia. The point I wish to make is that the then distinguished Secretary of State presumably did not consider the Colombian convention a violation of the Hay-Pauncefote Treaty, although England now claims that a similar treaty with Panama is in contravention of treaty rights.

One phase of this canal controversy has been directly passed upon by the Supreme Court of the United States, the question of exempting coastwise ships. Mr. Justice White, now Chief Justice, wrote the opinion. It is the case of *Olson v. Smith* (195 U. S., 332), in which the court held that the State law exempting American coastwise vessels from pilotage charges was not in violation of the treaty, which provided that "no higher or other duties or charges shall be imposed in any ports of the United State on British vessels than those payable in the same port by vessels of the United States." The point of this decision bearing upon the present question at issue, namely, the contention that British ships would not be discriminated against by the canal act because they are now barred by law from engaging in coastwise traffic, is as follows:

"Nor is there merit in the contention that as the vessel in question was a British vessel, coming from a foreign port, the State laws concerning pilotage are in conflict with the treaty between Great Britain and the United States. Neither the exemption of coastwise steam vessels from pilotage resulting from the law of the United States nor any lawful exemption of coastwise vessels created by the State law concerns vessels in the foreign trade, and, therefore, any such exemptions do not operate to produce a discrimination against British vessels engaged in foreign trade and in favor of the vessels of the United States in such trade. In substance, the proposition but asserts that because by the law of the United States steam vessels in the coastwise trade have been exempt from pilotage regulations, therefore there is no power to subject vessels in foreign trade to pilotage regulations, even though such regulations apply without discrimination to all vessels engaged in such foreign trade, whether domestic or foreign."

The point raised by Great Britain that by exempting coastwise ships we might be placing a greater burden upon that nation has been fully answered by Secretary Knox. If we had levied a toll sufficient to pay interest upon the investment as well as cover expenses of maintenance and operation Great Britain might have had cause to complain, but in framing the act we had in mind a toll that would attract traffic and at the same time pay the expenses of maintenance and operation. The total cost of operation and maintenance, including sanitation and civil government, as carefully estimated by Col. Goethals, will not exceed \$4,000,000 annually.

The tonnage for 1914-15 when the Canal is opened, is estimated at 10,500,000 tons. Of this but 1,160,000 net register tons are estimated as coastwise. Deducting this from the total leaves

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9,340,000 tons, and with a toll of \$1.20, which is in accordance with the President's proclamation, the annual income will be \$11,208,000, over seven millions in excess of the cost of operation and maintenance. The coastwise exemption in no way, either directly or indirectly, will affect the charges to Great Britain. We have been most fair in our dealing with foreign nations as to charges.

Foreign ships will derive the chief benefit from the Canal because we have practically no American ships in the foreign trade. Ninety-one per cent of our foreign commerce is carried in foreign ships. Unless we grant some favors to our own ships in the coastwise trade our benefit will be small. I know it is contended that remission of the toll will be so insignificant as affecting a ton of freight as to be negligible. If so, then what great anxiety for repeal. If a ship with a 7,000 ton net register capacity passing between New York and San Francisco pays a toll of \$8,400, some one must pay, and it will be hard to make American consumers and producers believe that they will not assume the burden. If a ship is half loaded the toll upon each ton of freight will double, because the ship pays in accordance with its total net register capacity.

In my opinion it will be the great interior of the United States that will profit chiefly because of free tolls, and particularly those sections drained by the mighty navigable rivers. Every burden placed upon traffic will impair the usefulness of the canal as a competitive route and narrow its benefits geographically. Every reduction forced by sea competition will be reflected upon rail rates throughout the entire country, as has always been the case. The output of American shipyards, according to the Department of Commerce, will be greater during the current fiscal year than for many years past. Not one of these ships, I am informed, is for the foreign trade, but are all to engage in the coastwise traffic. This will bring about the keenest competition, particularly in view of the fact that railroad owned or controlled ships are barred from the Canal, and be a guaranty that to the American people will insure the chief benefit of free tolls. This great activity in shipbuilding should carry some significance.

While I am a Californian it does not follow, even in view of recent happenings in my native State, that I am particularly belligerent. A serious contention with Great Britain over this question is not probable. A mere suggestion of war is abhorrent. While many who hold similar views to mine upon the abstract question of our right to control the canal are strongly opposed to submitting this question—a question which I will admit largely concerns a domestic policy—to arbitration, I will frankly state I do not go so far. A fair arbitral tribunal should be

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possible for the determination of this question if it cannot be settled by diplomacy. The Hague would not be such a body, in my opinion. The common sense of the American and English people should enable these English-speaking nations to agree upon impartial arbitrators. Before such a body our case is so strong we have nothing to fear.

To repeal the toll provision at this time would be a humiliating acknowledgment that after expending \$400,000,000 in the construction of an American Canal, through what is practically American territory, this nation was estopped forever from according a single advantage to an American ship. Other nations might remit tolls to their ships as they are doing at Suez and preparing to do at Panama, but our hands would be virtually tied. We would be compelled to pay a toll upon government ships. According to some very high authorities, we would surrender rights that might imperil our very existence as a nation. Repeal under present circumstances, when our government, through the Department of State, has taken a position and negotiations are under way, would be most inopportune. It would be an unwarranted, uncalled-for, and abject surrender of American rights, far-reaching in its effect, and disastrous to American interests. (Applause.)

The CHAIRMAN: I have the pleasure of introducing to you as the next speaker, Mr. DON C. SEITZ, Business Manager of the *New York World*.

THE FEAR OF DOING RIGHT

ADDRESS OF DON C. SEITZ

We did not begin the Panama business straight, and we have not been able to straighten it out. I doubt even if the prayer meeting of this Conference every morning can do very much toward taking the kinks out of the curl. Nothing has been said about the Colombian situation. I will take a little time to dwell upon that.

The Colombian people, as you know, took their name from the United States when they broke the bonds of Spain. They modeled their constitution upon ours. They thought we were the great star of liberty in the North. For nearly a hundred years Colombia has been a republic of confederated states like our own. For seventy-seven of those years Colombia has had a treaty of amity and comity with the United States of America, and the most important phase of that treaty relates to the rights over the Isthmus of Panama. The English speaking races have gone thrice across the Isthmus of Panama, and every time much in the same way. Sir Francis Drake was the first one who

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went across and came back laden with spoil. A hundred years afterward Henry Morgan went across and left old Panama smoking in its embers. In 1903 we went across much in the same way. Being familiar with the history and the doings of a controversy between a United States President and a newspaper, I have acquired an extraordinary volume of information on this subject. I inquired in Panama a couple of years ago about a cipher code which was used in carrying through this boon of liberty, and for your amusement and instruction I will read a few phrases.

"Abbot"—Ask Bunau-Varilla for the \$4,000.

Things began to move, and here we find another word.

"Aby"—Ask Bunau-Varilla for the balance up to \$100,000.

"Abode"—Send the 50 revolvers, not very large ones, with 1,500 cartridges; must be handy, but not small Smith & Wesson.

We go down the line and find "Sorry"—Send 500 Remington rifles and 500,000 cartridges. "Sintrouble"—Movement delayed for six days. "Trouble"—Movement delayed for lack of arms.

There is one thing I can understand, and which I can explain. I have in my possession a letter from Secretary John Hay written to the Colombian Consul in New York telling him if he did not pass these arms that he would use the authority of the United States government to see that they were properly shipped. In the face of this performance we stand around and quibble about doing right to a small republic. I ask this Conference for what purpose was the Panama Canal built? To get warships to San Francisco in time to rescue the gentleman from California? Or was it built to promote business and commercial facilities among the nations of the earth? What is our attitude toward those who face the western mouth of this Canal? We have our fists in the face of the great nations of the East and our feet on the frontier of the republic of Colombia. Why are we building the Panama Canal? Why have we gotten into this great tangle if we are unwilling to take the simple steps needed to straighten it out? What is the relationship of these United States of Colombia to the United States of America in its treaties? When gold was discovered in California we made a treaty of amity with Colombia that enabled us to cross the Isthmus with our goods and chattels to reach the golden West and save it to ourselves. Millions of dollars in duties were saved to the people of the United States, and the settlement of California was facilitated by the kindly actions of this little republic, and what is our answer? I have a library of more than fifty volumes devoted to the history of filibustering expeditions by the United States against the republics of Central and South America. Let us look to the cleanness of our own

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hands. We talk about justice and our desire to be fair-minded, and yet we have here a resolution which is now more than two years old, offered in the House of Representatives on April 6th, 1911. I will read it:

H. RES. 32

RESOLUTION

"Whereas a former President of the United States has declared that he 'took' Panama from the Republic of Colombia without consulting Congress; and

"Whereas the Republic of Colombia has ever since petitioned this country to submit to The Hague Tribunal the legal and equitable question whether such taking was in accordance with or in violation of the treaty then existing between the two countries, and also whether such taking was in accordance with or in violation of the well-established principles of the law of nations; and

"Whereas the Government of the United States professes its desire to submit all international controversies to arbitration and has conducted treaties with many other nations agreeing to submit all legal questions to arbitration, but has steadily refused arbitration to the Republic of Colombia: Therefore be it

Resolved, That the Committee on Foreign Affairs of the House of Representatives be, and the same hereby is, directed to inquire into the same; send for books, papers, and documents; summon witnesses; take testimony; and report the same, with its opinion and conclusions thereon, to this House with all convenient speed."

I can report to this Conference that it has been *printed*. A great deal of testimony was taken and the Chairman of the House Committee on Foreign Affairs said: "It won't do to leave this question to The Hague. Those fellows would get anywhere from thirty-five to a hundred million dollars from the United States before any kind of a tribunal, and we don't want to take it up in Congress. The United States don't want to pay such a bill." This is our theory of justice. This is our treatment of the republic to the south of us, and our answer to the nations of the world that look upon us as a country of liberty. Formerly the theory was that where men were free they could do as they pleased with themselves. But we have worked ourselves to the strange belief that liberty means the right—to do as we please with others! (Applause.)

The CHAIRMAN: This question is now open for discussion.

REMARKS OF DR. LYMAN ABBOTT

When one newspaper man makes an affirmation that our country has been guilty of the violation of its fundamental principles and at the same time reports to us that a Democratic House of Representatives has investigated the facts and found that there is no occasion for arbitration, I am prepared to stand

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by the Democratic House of Representatives and not by the newspaper man.

More than that, I am not going to say in reply to the gentleman who has just taken his seat. I am going simply, as Luther nailed up his theses on the gates of Wittenberg Cathedral, to nail my theses without arguing their truth, which cannot be done in five minutes.

First, the Clayton-Bulwer treaty has been superseded by the Hay-Pauncefote Treaty. It is an interesting piece of history, but has no other relation to our present national duties. Those national duties are to be found expressed in the Hay-Pauncefote Treaty, and in that alone, save as the Hay-Pauncefote Treaty in express terms confirms the Clayton-Bulwer Treaty.

Second, our treaty with Granada (now Colombia) has been superseded by the revolution which has taken place. If Great Britain made an agreement to do certain things in the American Colonies, after the American Colonies had revolted and secured their independence that very fact would supersede the treaty with Great Britain, and she would no longer have obligations in a territory over which she had no sovereignty. The fact that Panama has become independent of Colombia voids our treaty between Colombia and the United States.

Third, the grounds for Panama's revolt against Colombia were far greater than the grounds of the American Colonies for their revolt against the British government. If our revolt was justified, much more was the revolt of Panama justified.

Fourth, our government did nothing to stir up or provoke that revolt. It anticipated it, foresaw it, and prepared for it; and any man who sat at an editorial desk and was familiar with current events also anticipated it, and foresaw it, and prepared for it. We in *The Outlook* had no special advantages for foreseeing it; but three weeks before that revolt took place we in *The Outlook* did foresee it. And if we had had the means at our disposal we should have had an agent in Panama to report the results of the revolution to us.

Fifth, the question of whether our treaty with Great Britain forbids us from giving special advantages to our coastwise ships in the canal is a fair question for consideration. No one has the right to say that those of us who believe that we have under that treaty a right to give special advantages to our coastwise ships, disregard national honor or desire to disregard national treaties. If I write to the President of my village that the villagers may have equal privilege in passing through my park from one street of the village to another, that does not mean that they may pick the flowers and the fruits along the way of that park as the members of my own family may do. A right of way to all the people does not mean the same rights which those

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possess who give the right of way. Whether that be sound or unsound, it is at all events the position which an honorable man may take and for which he may honorably stand.

Sixth, the President of the United States and the member of his Cabinet who had most to do with these two treaties—the Hay-Pauncefote Treaty, and the treaty of arbitration—have declared officially and authoritatively that in their judgment the questions which have arisen under the Hay-Pauncefote Treaty should be arbitrated under the arbitration treaty. When the people of the United States have employed servants to make a treaty for us, and those servants declare that as that treaty was understood at the time all questions under dispute were to be arbitrated, that ought to be conclusive with us, and the difficulty should be arbitrated because the men who acted for us understood at the time that they were arbitrable.

Finally, summing up the whole matter at issue between ourselves and Great Britain, the questions involved in this treaty ought to be referred to arbitration, and it has been pointed out clearly that we can submit these questions to arbitration without the hazard of submitting them to an unimpartial tribunal. (Applause.)

REMARKS OF REAR ADMIRAL C. M. CHESTER, U. S. N.

I come before you as a United States naval officer, to protest against some imputations that have been made here today, concerning the government, which reflects to a greater or less extent upon the Service to which I belong, and which I think are unwarranted.

It has been charged, through inuendoes, that the acquisition of the Panama Canal, by the American government, was an illegal transaction. I profess to know something about this matter, as I have studied the case right at its base at Panama, for a long time, and have written an article on the subject, which I have here, but which is too long to read at this time. I spent two months of last winter on the Isthmus of Panama, and I may say that parts of eight years of my professional career have been spent in the same locality, guarding American interests, in accordance with the treaty of 1846, entered into between the United States of North America and the United States of Colombia.

I am confident that the statements made regarding this affair can be refuted, and I for one resent them. They reflect particularly upon Theodore Roosevelt, President of the United States at the time Panama declared her independence, and his able assistants, John Hay, Secretary of State, and Elihu Root, Secretary of War, who, as such, had charge of the foreign possessions of the country, of which the Canal Zone was about to

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form a part. Ex-President Taft, who soon afterwards relieved Mr. Root as Secretary of War, must also have had something to do with this matter, and he is also censurable, if this stigma on the government is established. Is it possible that such men could be induced to engage in an unlawful transaction? I, for one, will not believe it.

No, the "taking" of the Panama Canal was done in strict accordance with the traditional policy of the United States, and the principles of international law. The policy of non-interference by the United States in the political turmoils, which have constantly menaced Colombia, unless they endangered the free and uninterrupted transit across the Isthmus of Panama, was first enunciated by my old chief, Rear Admiral George F. Pearson, in the year 1865, and this policy has been lawfully maintained ever since by the naval officers stationed on the Isthmus, who alone have practically been responsible for carrying out the treaty obligations of the government in this locality. The interpretation placed upon the treaty of 1846, by Admiral Pearson at that time was later confirmed by the Attorney-General of the United States, and afterwards by the Colombian Administration then in power, and is well understood by all parties interested in Isthmian transit today.

The purported telegrams you have heard read here this morning, have no bearing on the case whatever.

But I would call your attention to another phase of this subject, which will, I think, throw some light on the character of the propaganda which, as has been intimated, was to be carried on to discredit the nation.

In 1897, just before the Spanish-American War broke out, a representative of the New York *World*, named Scoville, was, as acknowledged by him, engaged in the illicit traffic of carrying arms, from the United States to the insurgents in Cuba, which was contrary to the law of the land, as war was then going on in that island.

During the trial of a case, in the District Court of Georgia, against a small filibustering steamer called the "Three Friends," Scoville was called upon to give his testimony in the case, and he declared under oath, that he was a "professional filibuster" and pleaded his right of exemption from giving testimony, as it might incriminate himself; whereupon he was excused by the court.

The "Three Friends" had escaped the surveillance placed over her in the harbor of Jacksonville, with a load of arms on board, evidently bound for the coast of Cuba. A few days after she left the port there appeared a long article in the New York *World*, giving an account of what was styled "The First Naval Battle of the Cuban Republic," wherein it was reported that the

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tiny vessel had met and sunk a large Spanish frigate. It gave a harrowing tale of hardship undergone by her crew while the vessel was being chased by the United States cruisers, one of which I commanded. According to the story the little craft was forced to take refuge on an island called "No Name Key." on the coast of Florida, where the men suffered greatly from starvation, and where two of them were eaten by an alligator. The newspaper contained a picture showing the frigate on the point of sinking, while the crew, in the water, were struggling to save themselves from drowning. Another picture purported to be a photograph showing the little filibuster, with a six-pounder gun mounted on her forecastle. On this picture, the United States District Attorney expected to establish a clear case against the ship for breaking the neutrality laws, the fact that she was an armed vessel being all that was necessary to condemn the ship as good prize, and thus break up the illicit traffic in arms as far as she was concerned. Mr. Scoville being the only witness in the case, and he having pleaded his right to be exempt from giving testimony, the court was adjourned without accomplishing the purpose desired. When this was done Judge Clark and Mr. Scoville entered into conversation, when the latter said:

"Judge, you read my story in the *New York World*, I suppose. Did you believe it all?"

"Well, I have to admit," said the judge, "I had to take some of it with a grain of salt."

"Did you believe that yarn about the alligator coming ashore and eating two of the men?"

"Well, I thought that was rather fishy."

Scoville then ended the conversation by saying:

"Judge, nobody but a fool would believe such nonsense, but the American public want such stories, and I get paid for, and make a living by, preparing such stuff for them."

In the meantime I was receiving letters abusing me for being so cruel towards the poor suffering Cuban patriots, who had been forced to undergo such hardships as those depicted in the *World*.

I could give you some more facts regarding this matter if I had time. (Applause.)

REMARKS OF MR. EDWIN D. MEAD

The name of Mr. Choate has been introduced into this discussion. I am glad to be able to say, in view of this in its relation to other things here mentioned, that I have had the privilege twice during the last six months of discussing with Mr. Choate personally the subject before us, and I am grateful to be in a position at this moment to share with this Conference the

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resulting enlightenment. There are others here present who have had the same privilege of conversing with Mr. Choate and can endorse my statement. It does not depend, however, upon any personal word, for Mr. Choate has declared himself publicly upon the matter more than once in this period, and reports of his statements—one of them at the farewell dinner to the Baroness von Suttner in New York in December—may be found in the New York newspapers. Our friend from California has referred to the statement of Senator Lodge that he was in London at the time the final details of the Hay-Pauncefote Treaty were being arranged, and that these final details, instead of being settled entirely in Washington, were settled to so large an extent in London by Mr. Choate and Lord Lansdowne that the treaty might with almost as much propriety be called the Choate-Lansdowne Treaty as the Hay-Pauncefote Treaty. I am exceedingly glad that Senator Lodge said this thing, because it happens in considerable measure to be true. Now if Mr. Choate and Lord Lansdowne took such conspicuous and responsible part in the execution of the Hay-Pauncefote Treaty as Senator Lodge declares, and rightly declares, then Mr. Choate and Lord Lansdowne may fairly be presumed to know what they meant when in the treaty they talked about "all nations." Senator Lodge says that he understood they meant all nations except the United States. Mr. Choate has said, has said repeatedly, has said it in public, that he was not only perfectly familiar with what Lord Lansdowne and Lord Pauncefote and Mr. Hay thought upon the matter, what they meant and what they meant to say, and supposed they had said plainly, but that he certainly knew what he himself thought and talked about with them; and he declares that it never entered into the minds of the four men that when they were talking about "all nations," that term did not include the United States. I think this should be accepted as conclusive testimony upon the subject. Beside this definite declaration by Mr. Choate, the second-hand, *ex post facto* statement by Senator Lodge will not, for most serious men, have high importance. (Applause.)

REMARKS OF MR. W. P. HAMILTON,

EDITOR THE WALL STREET JOURNAL, NEW YORK

I have only two small historical facts to bring before you. Perhaps they are of a soothing character, and will restore you to your usual contemplative attitude. I noticed that the Congressman from California devoted most of his time to a point which had not been touched upon by the previous speakers, and he was well advised because it happened to be the very weakest point in the case. He told you about Senator Bard's amendment. I know about that because I published in the *Wall Street Jour-*

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nal the letter that Senator Bard wrote about it. But the gentleman told you what the members of the Senate recollected as to what took place during secret or executive sessions. Some of you know that treaties are considered in secret session, and regarded as confidential. From considerable experience, I may say that the United States Senate executive sessions are about as confidential as a foghorn, but not quite so confidential as a megaphone.

This was Senator Bard's amendment to Article III, which was afterwards stricken out of the first draft of the Hay-Pauncefote Treaty: "The United States reserves the right in the regulation and management of the canal to discriminate in respect of the charges of traffic in favor of vessels of its own citizens engaged in the coastwise trade."

That was negatived by forty-three against twenty-seven votes. It was not even introduced in the final treaty. No one ever contemplated inserting such a clause, and I differ from the gentleman from California as to the reason. I don't want to hear what Senator Davis said, because he is dead and cannot contradict; nor do I want to hear the latest warble of Senator Lodge. Here is Senate Document No. 85 of the Fifty-seventh Congress, and the Hay-Pauncefote Treaty is told there in twelve hundred words. I don't think any document in the world had more consideration in respect to the exact meaning of every single word. It should mean precisely what it says it does, and was certainly scrutinized from every point of view by the framers of the Hay-Pauncefote Treaty and the Senate itself.

In 1904, three years after this treaty was ratified, a treaty was concluded, which has been alluded to, between this country and Panama, called the Hay-Varilla Treaty. At that time we had already expended American money on the Panama Canal. We recognized in the treaty of 1904 that the provisions of the Hay-Pauncefote Treaty of 1901 were still binding, and the status has never been changed. That is conclusive on the other argument that the status has been changed by our possession of the Panama strip. To use an expression from the highest authority, which has never been questioned by the Secretary of State, that knocks the last defence for repudiation into a cocked hat. (Applause.)

REMARKS OF DR. ERNST RICHARD

I only wish to ask one question. The statement has been made on this floor that it would be impossible to secure an impartial tribunal at The Hague. The tribunal is selected from representatives of all the nations that are parties to The Hague Conventions. We certainly must suppose that they appoint men who, in their opinion, are of the highest ability, judgment, and

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integrity. The question I want to ask you and every fair-minded man in the United States is this: Do you think that the men selected by the other nations to sit in the highest tribunal of the world are not men that can be trusted to possess as much integrity and justice and impartiality as any judge who only speaks the English language? (Applause.)

Dr. BENJAMIN F. TRUEBLOOD: Mr. Chairman, I rise to ask if a motion to adjourn would be entertained at this time.

The motion prevailed and the Conference adjourned until evening.

Sixth Session

Friday Evening, May 16, 1913

Mr. SMILEY: This is undoubtedly the day of the college professor, and it is quite in keeping that two of our presiding officers should be college presidents. Still more, in these days of women's privilege is it fitting that we have to guide our proceedings this evening the President of Vassar College. It gives me great pleasure to present to you Dr. JAMES M. TAYLOR. (Applause.)

The CHAIRMAN: The first business in order this evening is the presentation of the platform of the Conference and of certain supplementary resolutions, by Dr. CHARLES W. ELIOT, the Chairman of the Executive Committee's sub-committee on Platform.

Dr. CHARLES W. ELIOT, on behalf of the Executive Committee, read the Platform, which was adopted by a unanimous vote.

(For a copy of the Platform, see page 9.)

Dr. ELIOT then read separately four supplementary resolutions, which are printed on page 10, each of which was unanimously adopted with the exception of the third resolution, reading:

RESOLVED, That in the interest of commerce, friendly intercourse and peace, all agreements between nations, whether general, particular or special, should be fully executed, or lived up to, in spirit as well as in letter."

concerning which, the following discussion took place:

A member moved the adoption of the resolution, which motion was seconded.

Dr. FREDERICK LYNCH: I want to say that the Chamber of Commerce of New York two or three months ago voted four hundred to four in favor of requesting this nation either to repeal the Panama Tolls Act or submit it to arbitration. It is amazing to me that this conference, which is called in the inter-

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ests of international arbitration, should lag behind the Chamber of Commerce of New York City and other chambers of commerce in the United States, and should not boldly and outspokenly request the United States to submit that question to arbitration.

The question being called for, there was a majority vote in favor of the motion.

The CHAIRMAN: The Chair understands that whatever is not practically unanimous does not go out as the sentiment of the Conference. Whether this resolution has been objected to strenuously enough to make it objectionable, is for the Conference to say.

Dr. PHILIP S. MOXOM. The objection offered by Dr. Lynch, on the basis of what the New York Chamber of Commerce has done, seems to me no objection to this resolution. If our nation lives up to that resolution, it will certainly offer for arbitration any question of difference arising on this matter of tolls. I came here with doubt in my mind as to the whole question; and I am now satisfied that as a nation there is nothing for us to do, if we are not satisfied on this point, but to repeal that bill or submit the matter to The Hague Court for arbitration. I think that will be the universal feeling as people come to understand the proposition. I would like to ask the Chair to call for a second vote.

The CHAIRMAN: Will Dr. Eliot please read the resolution again?

Dr. ELIOT: This resolution covers all of the treaties and agreements. It covers, for example, the treaty of 1908, by which we agree to arbitrate all questions concerning the interpretation or construction of international agreements. The resolution therefore covers much more than the single question of the Hay-Pauncefote Treaty, and applies, of course, to any question which has arisen concerning the proper construction of that treaty.

Dr. ELIOT then read the resolution again.

The CHAIRMAN: Another expression has been called for from the Conference. All who favor this resolution, signify it by the usual sign.

The ayes were overwhelming. There was one negative vote.

RESOLUTIONS

The CHAIRMAN: The motion is carried and the resolution is adopted.

Dr. ELIOT then presented the following resolution, which was unanimously adopted:

RESOLVED, That the Committee of the Lake Mohonk Conference appointed May 20, 1910, to report to the Conference of 1911 as to the best method of carrying into effect the recommendation of successive Presidents of the United States that the United States Government be vested with power to execute through appropriate action in the federal courts its treaty obligations, and, generally, to furnish adequate protection to alien residents in the United States, be renewed.

The CHAIRMAN: The next business is the report of the Conference Committee on Business Organizations, to be presented by its chairman, Mr. MARCUS M. MARKS, of New York City.

REPORT OF CONFERENCE COMMITTEE ON BUSINESS ORGANIZATIONS

PRESENTED BY MR. MARCUS M. MARKS, CHAIRMAN

In a resolution adopted here last year, the secretary of the Conference was asked to transmit to business organizations in foreign countries copies of that resolution, which was reported by the representatives present from business organizations and adopted by the Conference, as follows:

RESOLVED, That the Lake Mohonk Conference on International Arbitration, realizing the vast influence of commercial interests upon the governments of the civilized world, urges upon the representatives of these interests throughout all countries to be continuously active in shaping public opinion so as to make it more difficult to attempt to settle international disputes by war; and also, when disputes may approach an acute stage, to bring every possible influence to bear upon governments to induce them to submit such differences to arbitration.

This resolution was accordingly sent to a selected list of foreign business organizations, and you will be glad to know that 26 of them, in Austria, Belgium, Egypt, England, France, Germany, Hungary, India, Japan, Mexico, Netherlands, Spain, New Zealand, South Africa, and Turkey—have expressed interest in the movement and desire to co-operate, while five organizations—The Brunn (Austria) Chamber of Commerce and Industry, the London Chamber of Commerce, Inc., The Manchester (England) Chamber of Commerce, The Oldest Body of Merchants of Berlin (Germany), and The National Chamber of Commerce, of Vera Cruz, Mexico, have formally enrolled as Co-operating and Corresponding Business Organizations of this Conference. It is believed that a considerable number of busi-

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ness organizations in each of the principal countries can be thus enrolled.

During the past winter, two special business men's bulletins have been issued—No. 14, "Education vs. War," and No. 15, "Business vs. War." Forty-two organizations co-operated in the distribution of these bulletins by mailing copies to their members, and several organizations assisted in making possible the publication of the bulletins by contributions to the publication fund of the 1912 Conference.

With the addition of the five foreign bodies heretofore mentioned, the number of Co-operating Business Organizations is now 183, and nearly all the large cities of the United States and Canada are represented in the list. Seven of these bodies are of national scope and nine of state scope. Thirty-seven of them maintain standing committees on international arbitration and several of these committees have been conspicuously active, particularly in offering prizes for essays on international arbitration or international peace by students in their city schools. A list of the Co-operating and Corresponding Business Organizations, together with a list of the delegates at this meeting, is appended to this report. Delegates to this Conference have been appointed by fifty-four organizations and delegates of thirty-seven organizations are present. It is worthy of note that seven of these delegates are presidents and five are ex-presidents of their respective organizations.

These representative business men come here to learn and not to teach. The business people of the country are too busy with their personal affairs to realize fully that active co-operation in the movement for international arbitration is part of their larger business. The delegates of business organizations here gathered, however, have taken inspiration from the Mohonk Conference and will become missionaries in this cause and will understand that they have a serious and direct duty in connection with the work. Naturally business men already play an important part in the peace movement. They send their messengers for trade all over the world, and in that way are of service in bringing about mutual acquaintance, which leads to understanding and good will. Also, they control the "sinews of war," by withholding which they frequently preserve peace. On the other hand, business men are something of a menace to peace on account of their competition for the markets of the world. The business men of various countries are keen competitors, and in this way are apt at times to endanger the general feeling of good will. The business of the country must be conserved by the maintenance of peace and order, yet right in the factories disturbances are going on which are apt to undermine international peace; for general international peace is based

BUSINESS MEN'S RESOLUTIONS

upon industrial peace in each nation; and industrial peace depends on a proper relations between employer and employed, so that both are satisfied and working harmoniously together. At the present time the relation is not that of peace in the industrial world in our country; there is a deep underlying discontent and passion, which is like powder that can be easily fired by a chance match. Unless our people are calm and self-contained there is always danger of the match being applied either by some headline in a journal, or some chance remark at the psychological moment. We become inflamed very easily when we are not living in peace at home. Business men must take that to heart and get such an understanding as can be secured only when the workmen and the employer see both sides everywhere. There is much to be desired in our country in this respect. We have numberless unnecessary outbreaks, which are matters for our very serious consideration if we desire to remain at peace with our neighbors. Employer and employed should get together in a peaceful atmosphere and discuss industrial peace.

The business men here present have unanimously adopted some resolutions, and will give them out to the various commercial organizations of this country. As already stated we have some foreign commercial organizations working with this Conference. We mean to enlist other foreign commercial organizations, so that we may be in closer touch all around the world. Our resolutions are as follows:

RESOLUTIONS OF DELEGATES OF BUSINESS ORGANIZATIONS

WHEREAS, Under the international banking system which has been developed in recent years, an economic crisis in one financial centre immediately affects all others and thus all countries and their citizens have important interests in the maintenance of peace among the nations, therefore, be it

RESOLVED, That the business organizations of the United States represented at this Mohonk Conference, feeling the need of an efficient agency for the dissemination of proper information concerning the economic interests affected by war, recommend to the Chamber of Commerce of the United States and other business organizations the early establishment of such an agency.

WHEREAS, Wars are now largely maintained by financial loans negotiated by belligerents in neutral countries, and by arms and ammunition purchased by belligerents in neutral countries, therefore, be it

RESOLVED, That we call upon the United States Government to use its utmost endeavors to secure an international agreement prohibiting the making of loans or the furnishing of arms by the nationals of any country to a government or party that is actually engaged in war or in making active preparations for an anticipated war, as being in violation of neutrality.

WHEREAS, Under the present condition of international law, the citizen of one country entering into contractual relations with a foreign government has no legal remedy against that government for breach of

MARKS

the contract in his own national municipal courts, and has frequently only an ineffectual and precarious remedy in the municipal courts of the defendant government; and

WHEREAS, The practice of governments differs widely in the prosecution of contractual claims against a foreign government, some presenting them freely and others declining to present them, and

WHEREAS, Their prosecution by the claimant's government depends upon political considerations and expediency which may and does frequently deny all remedy to a *bona fide* claimant; and

WHEREAS, The presentation of a claim on *ex parte* evidence frequently results in the diplomatic pressure of grossly exaggerated claims; therefore be it

RESOLVED, That we urge upon the Chamber of Commerce of the United States and other business organizations here and abroad to recommend to the United States and to foreign governments the submission of this question to the Third Hague Conference, with a view to bringing such purely legal claims within the jurisdiction of an impartial tribunal at the Hague and to instructing the delegates there assembled to organize the machinery and procedure for bringing such a court and its jurisdiction into existence.

RESOLVED, That the Business Organizations make continued efforts to extend the membership of the Mohonk Conference among Chambers of Commerce of other countries, so that the chain of business men linked in the cause of international good will, may soon extend around the whole world. (Applause.)

The resolutions, which had already been adopted by the business men, were unanimously approved by the Conference.

DELEGATES OF BUSINESS ORGANIZATIONS PRESENT AT THE CONFERENCE OF 1913

NATIONAL

Chamber of Commerce of the United States..... A. B. Farquhar, York, Pa.
National Association of Manufacturers..... A. B. Farquhar, York, Pa.
National League of Commission Merchants..... A. W. Patch, Boston.

CALIFORNIA

Oakland Merchants' Exchange..... Joseph R. Knowland.

COLORADO

Denver Chamber of Commerce..... Henry Van Kleeck.
Denver Real Estate Exchange..... Henry Van Kleeck.

CONNECTICUT

New Haven Chamber of Commerce..... Eli Whitney.

DELAWARE

Wilmington Chamber of Commerce..... George Elliott.

MAINE

Maine State Board of Trade..... Richard Webb, Bangor.
Portland Board of Trade..... George L. Crosman.

MARYLAND

Baltimore Chamber of Commerce..... Douglas M. Wylie, ex-Pres.

MASSACHUSETTS

Boston Chamber of Commerce..... T. B. Fitzpatrick.
Massachusetts State Board of Trade..... John H. Corcoran, Cambridge.
Lynn Board of Trade..... G. H. Breed.
Springfield Board of Trade..... George H. Sutton.
Worcester Chamber of Commerce..... Charles T. Tatman, ex-Pres.

MICHIGAN

Lansing Chamber of Commerce..... J. Henry Moores, Pres.

BUSINESS MEN'S REPORT

NEW JERSEY

Camden Board of Trade..... Alexander C. Wood.
Elizabeth Board of Trade..... Elias D. Smith.

NEW YORK

Amsterdam Board of Trade..... D. D. Cassidy, Jr.
Binghamton Chamber of Commerce..... L. M. Wilson, ex-Pres.
Manufacturers' Association of New York (Brooklyn)..... Andrew F. Wilson, ex-Pres.
Buffalo Chamber of Commerce..... R. R. Hefford.
Kingston Chamber of Commerce..... Sam Bernstein, Pres.
Lockport Board of Trade..... M. H. Hoover.
New York Merchants' Association..... J. Crawford McCreery.
New York North Side Board of Trade..... W. W. Niles, Pres.
Poughkeepsie Chamber of Commerce..... Elmer D. Gildersleeve, Pres.
Rochester Chamber of Commerce..... Daniel B. Murphy.

OHIO

Cincinnati Business Men's Club..... E. P. Marshall.
Cleveland Chamber of Commerce..... Homer H. Johnson, Pres.
Columbus Chamber of Commerce..... F. A. McKenzie.

PENNSYLVANIA

Erie Chamber of Commerce..... Clark Olds, ex-Pres.
Philadelphia Board of Trade..... W. R. Tucker, Secretary.

RHODE ISLAND

Providence Board of Trade..... Frederick H. Jackson,

VERMONT

Burlington Commercial Club..... H. S. Howard, Secretary.

WISCONSIN

Oshkosh Chamber of Commerce..... E. H. Smith.

CO-OPERATING AND CORRESPONDING BUSINESS ORGANIZATIONS

(List corrected to June 30, 1913)

The following bodies have enrolled as Co-operating and Corresponding Business Organizations to assist in furthering the work of the Mohonk Conference. Organizations marked with a § regularly distribute stated numbers of the Business Men's Bulletins issued by the Conference; those marked with a * have adopted resolutions favoring international arbitration, or assumed other active co-operation; those marked with a † have standing committees on international arbitration; and those marked with a ° have appointed delegates to one or more meetings of the Mohonk Conference.

NATIONAL

Chamber of Commerce of the United States.°
National Association of Clothiers.°
National Association of Manufacturers.°°
National Board of Trade.*°†
National Business League of America.*°
National Hardware Association.*§°
Nat'l League of Commission Merchants.*°§

Chamber of Commerce*°..... Los Angeles.
Chamber of Commerce*°..... Oakland.
Merchants Exchange*°..... Oakland.
Chamber of Commerce*°§..... Sacramento.
California Development Board°
Chamber of Commerce*°..... San Francisco.
Chamber of Commerce*°..... San Francisco.

COLORADO

Chamber of Commerce*°..... Colorado Springs.
Chamber of Commerce*°†§..... Denver.
Colorado State Commercial Association*°
Real Estate Exchange*°..... Denver.
Citizens Mining and Improvement Association..... Leadville.
Commerce Club*°..... Pueblo.

CONNECTICUT

Board of Trade..... Bridgeport.
Board of Trade..... Meriden.
Business Men's Association*°†§
Chamber of Commerce*°†§..... New Haven.
Business Men's Association*°..... New London.

ALABAMA

Chamber of Commerce°..... Birmingham.
Chamber of Commerce..... Mobile.
Business Men's League..... Montgomery.

ARKANSAS

Arkansas State Board of Trade†°
Little Rock.
Little Rock Board of Trade*†°§
Little Rock.

CALIFORNIA

Fresno County Chamber of Commerce*°
Fresno.

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DELAWARE

Chamber of Commerce*°.....Wilmington.

DISTRICT OF COLUMBIA

Board of Trade°.....Washington.
Chamber of Commerce.....Washington.

FLORIDA

Board of Trade*†°.....Jacksonville.
Board of Trade*§.....Tampa.

GEORGIA

Chamber of Commerce§.....Augusta.
Cotton Exchange°.....Savannah.

HAWAII

Chamber of Commerce*°†§....Honolulu.

ILLINOIS

Board of Trade*.....Chicago.
Illinois Manufacturers Association°
Citizens' Commercial Association*§°
Freeport.
Moline Club Civic Improvement Commis-
sion Moline.
Chamber of Commerce*°§.....Quincy.
Business Men's Association*†.....Springfield.

INDIANA

Business Association.....Evansville.
Manufacturers' Association.....Evansville.
Commercial Club.....Fort Wayne.
Board of Trade*.....Indianapolis.
Commercial Club*°.....Indianapolis.

IOWA

Commercial Club*.....Cedar Rapids.
Commercial Club.....Council Bluffs.
Commercial Club*†.....Des Moines.

KANSAS

Commercial Club.....Leavenworth.
Commercial Club*.....Topeka.
Chamber of Commerce.....Wichita.

KENTUCKY

Board of Trade*°.....Louisville.
Merchants and Manufacturers Association
Louisville.
Business Men's Club.....Newport.

LOUISIANA

Board of Trade, Ltd.*.....New Orleans.
Progressive Union*†§°.....New Orleans.
Progressive League.....Shreveport.

MAINE

Maine State Board of Trade°...Bangor.
Board of Trade*°§.....Portland.

MARYLAND

Board of Trade*°.....Baltimore.
Chamber of Commerce*°§.....Baltimore.

MASSACHUSETTS

Chamber of Commerce*†°.....Boston.
Massachusetts State Board of Trade*†°§
Boston.
Board of Trade.....Brocton.
Board of Trade.....Lawrence.
Board of Trade*°.....Lynn.
Board of Trade*†°§.....Springfield.
Board of Trade*†°.....Waltham.
Chamber of Commerce*°.....Worcester.

MICHIGAN

Chamber of Commerce*†°.....Battle Creek.
Board of Commerce°§.....Detroit.
Chamber of Commerce°.....Lansing.

MINNESOTA

Commercial Club.....Minneapolis.

MISSOURI

Board of Trade*°.....Kansas City.
Commercial Club*.....Kansas City.
Commerce Club*°.....St. Joseph.
Business Men's League*°.....St. Louis.
Latin-American and Foreign Trade Asso-
ciation*°.....St. Louis.
Merchants Exchange*°.....St. Louis.

NEBRASKA

Commercial Club*.....Lincoln.
Commercial Club*†°.....Omaha.
Real Estate Exchange*°.....Omaha.

NEVADA

Nevada Commercial League.....Reno.

NEW JERSEY

Board of Trade*†°.....Camden.
Board of Trade*†°§.....Elizabeth.
Board of Trade*°§.....Hoboken.
Board of Trade°.....Jersey City.
Board of Trade*†°.....Newark.
Board of Trade§.....New Brunswick.
Taxpayers Association.....Paterson.

NEW MEXICO

Commercial Club°.....Albuquerque.

NEW YORK

Chamber of Commerce*†°§.....Albany.
Board of Trade*°§.....Amsterdam.
Business Men's Association*†°§.....Auburn.
Chamber of Commerce*†°§.....Binghamton.
Manufacturers Association of New York*†°
Brooklyn.
Chamber of Commerce*°.....Buffalo.
Chamber of Commerce*†°.....Elmira.
Chamber of Commerce*°.....Geneva.
Manufacturers Association.....Jamestown.
Chamber of Commerce°.....Kingston.
Board of Trade°.....Lockport.
Board of Trade and Transportation*†°
New York.
Merchants Association*†°.....New York.
North Side Board of Trade*°.....New York.
Produce Exchange°.....New York.
Chamber of Commerce*°.....Poughkeepsie.
Chamber of Commerce*°§.....Rochester.
Chamber of Commerce*°§.....Syracuse.
Chamber of Commerce.....Troy.
Chamber of Commerce°.....Utica.
Chamber of Commerce†°°.....Watertown.

NORTH CAROLINA

Board of Trade*.....Ashville.
Commercial Club.....Charlotte.
Chamber of Commerce°.....Greensboro.
Chamber of Commerce and Industry
Raleigh.
Retail Grocers Association.....Raleigh.
Board of Trade.....Winston-Salem.

OHIO

Business Men's Club*†°.....Cincinnati.
Chamber of Commerce*†°.....Cincinnati.
Chamber of Commerce*†°.....Cleveland.
Chamber of Commerce*†°.....Columbus.
Chamber of Commerce°.....Dayton.
Chamber of Commerce*§.....Elyria.

BUSINESS MEN'S REPORT

OKLAHOMA

Chamber of Commerce*..Oklahoma City.

OREGON

Board of Trade°.....Portland.
Chamber of Commerce*°.....Portland.

PENNSYLVANIA

Board of Trade.....Chester.
Board of Trade°.....Erie.
Business Men's Exchange*°.....Erie.
Chamber of Commerce*°.....Erie.
Board of Trade°.....Harrisburg.
Chamber of Commerce°.....Lancaster.
Chamber of Commerce.....McKeesport.
Board of Trade*°.....Philadelphia.
Chamber of Commerce*°.....Philadelphia.
Commercial Museum°.....Philadelphia.
Chamber of Commerce°.....Pittsburg.
Board of Trade.....Reading.
Board of Trade*°.....Scranton.
Board of Trade°.....Wilkesbarre.
Board of Trade°.....Williamsport.

RHODE ISLAND

Board of Trade.....Pawtucket.
Board of Trade°.....Providence.

SOUTH CAROLINA

Chamber of Commerce°.....Charleston.

TENNESSEE

Cotton Exchange*.....Memphis.
Merchants Exchange°.....Memphis.
Board of Trade°.....Nashville.

TEXAS

Chamber of Commerce°.....Beaumont.
Commercial Club.....Dallas.
Chamber of Commerce.....Galveston.
Business Men's Club*°.....Waco.

UTAH

Commercial Club°.....Salt Lake City.

VERMONT

Commercial Club°.....Burlington.

VIRGINIA

Retail Merchants' Association§.Lynchburg.
Board of Trade and Business Men's Association§.....Norfolk.
Stock Exchange.....Richmond.

WASHINGTON

Chamber of Commerce*°.....Seattle.
Commercial Club°.....Seattle.
Chamber of Commerce°.....Spokane.
Commercial Club and Chamber of Commerce*.....Tacoma.

WEST VIRGINIA

Board of Trade°.....Wheeling.
West Virginia Board of Trade°.....Wheeling.

WISCONSIN

Commercial Club.....Menomonie.
Chamber of Commerce°.....Milwaukee.
Chamber of Commerce°.....Oshkosh.

WYOMING

Industrial Club of Cheyenne°°.....Cheyenne.

CANADA

Board of Trade§.....Hamilton.
Board of Trade°.....Montreal.
Board of Trade°.....Regina.
Board of Trade°.....Toronto.
Canadian Manufacturers Association*.....Toronto.
Retail Merchants Association of Canada*§.....Toronto.
Board of Trade°.....Winnipeg.

OTHER COUNTRIES

Chamber of Commerce and Industry.....Brunn, Austria.
Sociedad de Fomento Fabril.....Santiago, Chile.
Chamber of Commerce, Inc..London, Eng.
Chamber of Commerce.....Manchester, Eng.
Die Aeltesten der Kaufmannschaft.....Berlin, Germany.
National Chamber of Commerce.....Vera Cruz, Mex.
Merchants Association.....Manila, P. I.
South African Manufacturers Association.....Cape Town.

BULLETINS TO BUSINESS ORGANIZATIONS ISSUED 1911-1912

BUSINESS MEN'S BULLETIN No. 14

EDUCATION VS. WAR

Business men can not afford war; it destroys the stability of commerce. Neither, as men, can they tolerate this inhuman method of settling differences. Public education is the enemy of war. If the next two generations can be educated in the practical use of such substitutes as arbitration and international courts, the danger of wars will be slight. The purpose of this bulletin is to show how the average business man can materially hasten this process of education.

WHAT BUSINESS MEN ARE DOING

Business bodies do effective work by offering prizes in their local schools for essays on phases of international arbitration and peace. The Springfield (Mass.) Board of Trade has for seven years given annually \$30 in prizes to high school pupils. It has a Committee on International Arbitration which arranges details. The prizes are offered in the name of the Board of Trade and awarded at public school exercises, thus insuring local pride and interest on the part of the pupils, parents, teachers and community. In 1912 the Board received 60 essays. The Newark Board of Trade, with prizes of about \$60, receives annually a larger number. The Honolulu Chamber of Commerce, in its first contest, with prizes of \$100, received 13 essays. The Boards of Trade of Jacksonville, Hoboken and Columbus have also

MARKS

offered prizes. Prizes may be appropriated by the organization or donated by members.

WHAT ANY BUSINESS MAN CAN DO NOW

1. Suggest to his organization the appointment of a Committee on International Arbitration;
2. Offer his services on such committee or otherwise to arrange for the offering of prizes in the schools;
3. Interest his sons, daughters and school friends in the local contest and in one or more of the annual national contests described below.

COLLEGE PRIZES

\$100. The Pugsley Prize for essay on "International Arbitration" by a man undergraduate student in the United States or Canada;

\$200 and \$100. The Black Prizes for essays on "International Peace" by women undergraduate students in the United States.

The above prizes are offered by the Lake Mohonk Conference on International Arbitration. Contests close March 15th.

Prizes aggregating several hundred dollars are given by the Intercollegiate Peace Association in oratorical contests. Address Dr. S. F. Weston, Secretary, Yellow Springs, O.

SCHOOL PRIZES

\$75, \$50, \$25. Seabury Prizes for essays on some phase of the peace movement. Open to students in normal schools.

\$75, \$50, \$25. Same open to pupils in secondary schools.

For particulars address American School Peace League, Boston.

OTHER WORK

Since 1905 the Lake Mohonk Conference has enlisted the interest of colleges and since 1907 the American School Peace League has similarly worked in the secondary schools. As one of many forms of the cooperation of these institutions, May 18th (the anniversary of the meeting in 1899 of the first Hague Conference) is now observed by a large per cent of American schools and colleges. It has the endorsement of the United States Commissioner of Education and of his predecessor. The United States Bureau of Education has issued a valuable bulletin (Bulletin, 1912, No. 8) on the subject. The American School Peace League, Boston, issues useful literature and is ready to assist any one interested.

Any business man will find it worth while to encourage this educational work. Any board of trade will find a committee on international arbitration of use and interest in the community. Further information or suggestions will be gladly furnished by H. C. Phillips, Secretary, Mohonk Lake, N. Y.

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*
HARLOW N. HIGINBOTHAM, Chicago
WILLIAM MCCARROLL, New York
MARCUS M. MARKS, New York
GEORGE FOSTER PEABODY, New York
ELWYN G. PRESTON, Boston
CHARLES RICHARDSON, Philadelphia
CLINTON ROGERS WOODRUFF, Philadelphia
Committee on Business Organizations

October 15, 1912.

BUSINESS MEN'S BULLETIN No. 15 BUSINESS VS. WAR

The world-wide movement for the prevention of wars finds one of its greatest obstacles in the opposition of persons in all nations who share or hope to share in the hundreds of millions annually appropriated for armies, navies and warlike purposes. This opposition, though not universal among such beneficiaries, can only be overcome by the creation of a general public sentiment in favor of international justice and fair dealing and arbitration or courts of justice as substitutes for war.

In the rapid development of such a sentiment one of the most effective agencies is the work and influence of business men and business organizations. To show how business men regard war, there are given below some striking examples of their recent official declarations on the subject.

About two hundred of the largest chambers of commerce and boards of trade in all parts of the United States and Canada cooperate with the Lake Mohonk Conference on International Arbitration, and since 1902, delegates of many of them have participated in its annual conferences. At the conference in May, 1912, forty-seven of these bodies were represented by delegates of their own selection, many of whom were presidents or other high officers of their organizations. These business men, in special meeting, drew up, presented and secured the unanimous adoption of the following resolution:

PROTECTION OF ALIENS

Resolved, That the Lake Mohonk Conference on International Arbitration, realizing the vast influence of commercial interests upon the governments of the civilized world, urges upon the representatives of these interests throughout all countries to be continuously active in shaping public opinion so as to make it more difficult to attempt to settle international disputes by war; and also, when disputes may approach an acute stage, to bring every possible influence to bear upon governments to induce them to submit such differences to arbitration.

At the Fifth International Congress of Chambers of Commerce, held at Boston in September, 1912, five hundred eminent business men from other nations and three hundred from the United States, representing the most important commercial organizations of practically every civilized nation, on the motion of the president of the congress, unanimously adopted the following remarkable declaration:

The Congress affirms its desire to see established as soon as possible international official conferences which will insure between nations the existence of arbitral courts established in the broadest sense, and of a nature to insure an equitable solution of all international disputes, whether between citizens of different states or between states; and the Congress declares adherence to the principle of a combination of nations, where and when it may be possible, to try to prevent the atrocities of war.

These advanced official utterances leave no doubt that business leaders recognize the necessity of substitutes that will eventually do away with war. It remains for business men everywhere to translate these declarations into action. Resolutions alone will not establish an effective international court; but when the business men of the world demand such a court it will come. Thousands of business men are already among the active workers for arbitration or judicial settlement of differences between nations. Every recipient of this bulletin is earnestly invited to interest himself in this work, information concerning which will be gladly furnished on application to H. C. Phillips, Secretary, Mohonk Lake, N. Y.

JAMES WOOD, Mt. Kisco, N. Y., *Chairman*
HARLOW N. HIGINBOTHAM, Chicago
WILLIAM MCCARROLL, New York
MARCUS M. MARKS, New York
GEORGE FOSTER PEABODY, New York
ELWYN G. PRESTON, Boston
CHARLES RICHARDSON, Philadelphia
CLINTON ROGERS WOODRUFF, Philadelphia
Committee on Business Organizations

December 1, 1912.

The CHAIRMAN: We are now to have an address by Professor GEORGE GRAFTON WILSON, of the Department of International Law, Harvard University.

TREATY OBLIGATIONS AND PROTECTION OF ALIENS

ADDRESS OF GEORGE GRAFTON WILSON, LL.D.

The last of the Conference resolutions presented by Dr. Eliot referred to a committee appointed on May 20, 1910, to report at the session of 1911. That committee then consisted of Senator Elihu Root, Dr. George W. Kirchwey, of the Columbia Law School, and Governor Simeon E. Baldwin of Connecticut.

It was expected that the committee would report at this meeting. A letter was received this morning from Dean Kirchwey stating that he could not be here. Governor Baldwin has also sent a letter. These letters refer to what may be called the technical aspects of this subject, and therefore will not be read. It might be fair to say that a person who ventures to speak upon a report that has not yet been made probably runs some risk. It may be that what may be said may have some bearing upon the reasons why the committee has not been hasty in making its report, and possibly also may temper our attitude in regard

WILSON

to certain matters that have disturbed the peace of some during the last few weeks.

The subject of the protection of aliens has been a matter which has frequently received attention from the Presidents of the United States, who have been particularly concerned through their Secretaries of State in performing the functions of protecting the aforesaid aliens. Mr. Harrison in 1891 used his best endeavors to obtain legislation on this matter. Mr. McKinley pressed it very vigorously in 1899, and even such pressure as could be exerted by Mr. Roosevelt in 1906 was not sufficient to secure legislation. During the last few weeks there has been under discussion in the State of California an anti-alien land act. This act was passed a few days ago by a vote of one hundred and seven to five. You know probably the course of events in the passing, and the agitation in regard to this particular law. Yesterday the letter of the Governor of California to Secretary Bryan was published. In this letter Gov. Johnson says in part:

"May I venture to call to your attention the immigration law now pending in Congress, which passed both houses of the last Congress, where apparently certain classes, who shall be excluded from our country, are described as persons who cannot become eligible under existing laws to become citizens of the United States. At this very moment the national legislature at Washington, without protest or objection—indeed, it is published in California by express consent—is using the terms that are claimed in California's law to be offensive and discriminatory. At least three states in the Union have in the past enacted laws similar to the contemplated law of California, and the enactments of those other states have been without objection or protest. That the protest is now made in respect to California only emphasizes the acuteness of the problem confronting California and demonstrates that California is differently viewed than other states of the Union, and that, if discrimination exists, it is discrimination against California. We insist that justly no offence can be taken by any nation to this law and more particularly does this seem to be clear in the instance in a nation like Japan, that by its own law prevents acquisition of land by aliens. It is most respectfully submitted that, after all, the question is not whether any offence has been taken, but whether justly it should be taken. I voice, I think, the sentiment of the majority of the Legislature of this state when I say that if it had been believed that offence could justly be taken by any nation to the proposed law, that law would not have been enacted. We, of California believe firmly that in our legislative dealings with this alien land question we have violated absolutely no treaty rights. We have shown no discrimination; we have given to no nation the right to be justified in taking offence. So believing, with a strong reliance in the justice and the righteousness of our cause, and with due deference and courtesy and with proper consideration for the feelings and the views of others, we had hoped the authorities at Washington would have seen the question as we in this state have been forced to see it, as we must see it or be blind."

The Governor of California intimates that he will surely, perhaps within twenty-four hours, or possibly within forty-eight,

PROTECTION OF ALIENS

and in all probability within seventy-two hours, sign the act. Whether or not these positions taken in California are tenable is a question too lengthy to consider at this time. This event illustrates the fact that there may be conditions which will give rise to controversies in regard to the rights of aliens under treaties binding the United States and other powers, even when these treaties have been very recently made. A little consideration would show that the question of the rights of aliens in the United States is one of more importance and liable to arise more frequently than the similar question within the jurisdiction of other powers. There are various reasons for this condition.

First, because of the number of aliens in the United States. Immigrants have in recent years been coming to the United States in great numbers. From 1776 to 1820 the United States practically paid no attention to the foreigners coming to this country. From 1820 to 1870 we received them with enthusiasm, and the songs on the other side of the ocean sometimes were to the effect—"go to America and Uncle Sam will give you each a farm." Since 1870 the liberality of Uncle Sam has very rapidly disappeared. There are even those who claim that he is not only illiberal, but also unjust in excluding certain people whom he had previously welcomed. Within the last few years agitation for greater restrictions has become more and more marked. In 1900 there were about 450,000 immigrants and in 1912 there were nearly twice that number. In the year 1907, a year of large immigration, the total amounted to more than a million and a quarter. Now, according to estimates, there are thirteen and a half millions of foreign born population in the United States, so the possibilities of trouble and conflicts in regard to the rights of aliens are very numerous.

The second reason for uniform legislation in regard to aliens is because of the indefinite status of certain persons within the jurisdiction of the United States. The states of the United States are unlike in their requirements for local citizenship of those who come to dwell in their limits. Some states require that any one who votes for any branch of the State Legislature shall be a citizen of the United States first, and then he may acquire citizenship within the state. Other states simply require that he shall have declared his intention of becoming a citizen and shall have lived two years within the limits of the state in which he is to vote. It happens that under our constitution voters for national officers "shall have the qualifications requisite for electors of the most numerous branch of the state legislature." A person who is not yet a citizen of the United States may in some states vote for electors for the President of the United States; and therefore, whether one person or

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another may be President may be determined in an extremely close election by a person who has never been a citizen of the United States. With such variations in our domestic legislation there are some possibilities of complication in our relations to these aliens who are on the way to acquire citizenship.

Third, because of conflict of laws. Certain foreign countries have laws in regard to aliens unlike our laws. We have a law by which a person born within the United States, or born of United States parentage, is a citizen of the United States. Some other states have laws like Switzerland that a child born of Swiss parentage is a Swiss; therefore, if the Swiss family happen to be in this country and the child should be born here, he would according to our laws be a citizen of the United States. He would according to Swiss laws be a citizen of Switzerland. Who shall protect him when, let us say, he goes at the age of 22 from the United States to Mexico? Complications of this sort make the necessity of regulation in regard to our complex alien laws somewhat urgent. This dual system prevails in a sufficient number of states to give rise to numerous complications.

Fourth, because of the conflicting claims of jurisdiction between local state and national government within the United States. The local states have a considerable degree of autonomy, and there is a wide divergence in the power exercised by the authorities of the forty-eight states of the United States. If one regards the number of Americans who may be passing from one state to another, or aliens who may be passing from one state to another, and considers their rights, or considers the different laws of Porto Rico, the Philippines or the Canal zone, or other regions in which we have acquired new varieties of jurisdiction, he will find difficulty in determining just how much protection should be given, owing to the fact that he is uncertain as to how much allegiance there may be owed by the person by whom protection is claimed.

Fifth, because of the question of domicile. We have not improved much on the old Roman Law definition of domicile. "Domicile was the place from which one going was on a journey, and to which one returning was at home." That did very well for a certain period, when relations were less complicated than they are today. When one attempts in case of a corporation to apply the law of domicile, as was indicated yesterday, he may have a very involved situation, particularly if the holders of the stock of the corporation happen to belong—let us say—to three or four foreign states—A, B, and C—and the seat of the corporation happens to be in New Jersey, and several of the main houses or the leading houses happen to be in other states, and the stockholders are variously responsible. Such complica-

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tions indicate that the committee has something to do before it will entirely elucidate all these problems. Certainly it requires time on the part of such men as have the report in hand.

Sixth, because, in addition to other responsibility which may be under convention a direct responsibility, there is a responsibility under international law. Our constitution says we will observe the law of nations in our international relations. There are some who are uncertain as to the exact limits of international law. This is natural in view of the rapidity with which it is developing.

Seventh, because of conflicting treaty conditions. The treaties concluded by the United States at various periods differ so much, that if we had them in parallel columns, they would make a striking exhibit. For instance coats of mail are included in the list of contraband of war in some treaties. These at the present time are rarely used except in foot ball and in museum decorations. Many treaties made long ago and still binding contain most remarkable provisions.

Again, the United States' policy has not been any more consistent than the treaties; indeed, not as consistent as the treaties. A Secretary of State looks up precedents and decides that they were not good precedents, he accordingly acts as he sees fit. One can find in the diplomatic papers precedents for almost any line of action which he may desire to follow. It is very inconvenient at times to have forgotten precedents cited against the United States as in the case of the seamen of U. S. S. *Baltimore* in Valparaiso in 1891-2.

Again there is difficulty in the payment of damages. The local state naturally has no standing with international law—that is the State of New York or Pennsylvania has no standing at international law. Some one being injured in one of those states, and the liability for damages or for indemnity being found, the question is, how is this to be paid? By Pennsylvania? Certainly not. By New York? Certainly not. Not even by Louisiana in the case of the killing of the Italians in what was known as the New Orleans affair in 1891. The only party to which a foreign state can appeal is the United States of America. It, therefore, appeals to the United States, and the United States endeavors to enforce its law. The local state says it has done all it can do, and there it ends. The foreign state may call home the minister as was the case with Italy in 1891, or the diplomatic relations may be broken off. Then perhaps the Government, according to its frequent method, states that it makes payment "out of humane considerations, and without reference to the question of liability." After a state has paid "out of humane consideration" as many times as the United States has paid it is a recognition of the fact that the national government is

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liable and will have to pay the next time. Therefore, it is a matter of considerable importance to all, because the indemnity is paid out of the national treasury, whether there shall be some means by which the nation shall be able to punish offences which involve such liabilities.

From this survey it is evident that the committee has a difficult task and it is also evident that something should be done to give to the federal courts jurisdiction in cases involving the violation of treaty obligations, particularly in matters relating to the protection of aliens. A study of the question would also show that many of the treaties of the United States contain provisions that are now antiquated and which may endanger the peace of the United States. The United States might well do what certain countries have already done,—proceed to the standardization of treaties and thus promote international peace by establishing clearly a basis upon which international equity can be secured. (Applause.)

THE CHAIRMAN: The Conference has listened with great appreciation to the presentation of this gravely important matter, presented by Prof. Wilson.

Among the various influences which have been put forth on behalf of international arbitration the last few years, we must count the offers of prizes made to various colleges and other organizations throughout our land. These are designed to educate our youth, to inform them and to arouse their deep personal interests in the issues before us. Two well-known prizes have been offered through the Mohonk Conference. We are to have the pleasure of listening to those who will present these prizes and those who have earned them. The donor of the Black prizes, for the best essays on "International Peace" by women college students, is Mrs. ELMER BLACK of New York City. She will present the prize to the winner.

PRESENTATION OF THE BLACK PRIZES

BY MRS. ELMER E. BLACK

This is the age of great movements and new impulses that are going to transform society and make a new world. But, greatest of all, our age is witnessing a new sense of unity of all mankind, which is already beginning to assert itself above racial ties and national boundaries.

The amazing growth of this last sentiment alone is enough to make our age the most wonderful of all ages. For it is the consummation of them all: The goal toward which all other ages have been striving. The signs of its coming are all about us.

COLLEGE PRIZES

Hague Conferences, permanent courts, arbitration treaties, the growth of peace societies, proposals like Mr. Bryan's to exhaust all other means before going to war, are only a few signs, outstanding as they are. What age ever witnessed five such events as we are seeing follow one upon another? How many of you have thought of it? The first week in May saw a great Congress in St. Louis, made up from all the nation and trying to hasten this world unity. The second week saw a splendid delegation from Great Britain meeting with hundreds of Americans, to arrange the celebration of the One Hundred Years' Peace and its perpetuation forever. The third week finds this group of the nation's leaders in thought and action furthering here at Mohonk this new world consciousness. Hardly shall we have left when the World's Students Conference will meet in this same room—hundreds of the best young men and young women from all the nations—to deliberate, not how to fight each other, but how, together, they may fight the common foe of all countries, the evil of the world. And as they go, another group of students from all nations, the Corda Fratres and Cosmopolitan Clubs hold their meeting at Cornell to preach the gospel that all aspiring men have one Fatherland. Surely this is a wonderful age, and it is going to witness such an advance toward world unity and international concord as no age has ever seen.

It is interesting to note that two of these five conferences are of students. In all such movements, the college girl from now on is going to play a more and more important part. It is necessary that she be educated to do this great work well and wisely. For this reason I have offered these prizes to the college women of America. I am sure that the fifty-nine girls who wrote for these prizes will all of them be interested workers in the cause of international peace. I have been reading these essays. Many of them show long and careful study. Almost every girl has read several of the best books on internationalism. The essays are of a high quality and show that the writers will be personal forces either in the home or in professional life. I hope to so increase this interest during the coming year that many more will write. I believe it is possible to interest hundreds of college girls in this great movement to put justice above brute force—law above war. Every one gained to the cause means many more interested through her. The essay which won the prize this year most ably establishes the truth that this is the age when democracy is becoming the moving force of nations. Its title is "The Relation of Masses to World Peace." The second award—"International Peace"—goes to Miss Helen Anderson, of the University of Denver, Denver, Colorado.

It gives me the greatest pleasure to present the first prize of \$200 to MARY R. POLLOCK, of Birmingham, Michigan, a Fresh-

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man in the Rochester Athenaeum and Mechanics Institute. As I do so I hope with all my heart that she may devote her life to the promotion of good will among all peoples. (Applause.)

ACCEPTANCE OF THE FIRST BLACK PRIZE

BY MISS MARY R. POLLOCK

The honor shown me and the institution which I attend—the Rochester Athenaeum and Mechanics Institute—has made me very happy. I began my essay believing in universal peace in a vague way. I left it an active worker toward that end. It has been an inspiration and a prize in itself to attend this Conference, to listen to and to meet the men and women engaged in so noble a work. I appreciate deeply the kindness of Mrs. Black and the hospitality of Mr. and Mrs. Smiley, which have made it possible for me to be here. (Applause.)

THE CHAIRMAN: CHESTER DEWITT PUGSLEY, of the class of '09, Harvard, has been known to us for several years in connection with his work as donor of the Pugsley prizes. I take great pleasure in presenting him to this Conference.

PRESENTATION OF THE PUGSLEY PRIZE

BY MR. CHESTER DEWITT PUGSLEY

Fifty-five essays were submitted this year by students in forty-seven different colleges in twenty-four different states and Canada. The committee of judges, consisting of Dr. Elmer Ellsworth Brown, Chancellor of New York University, General Nelson A. Miles, of the United States Army, and Mr. Rollo Ogden, editor of the New York *Evening Post*, have awarded the prize of \$100 offered by this Conference for the best essay on international arbitration by an undergraduate man student of any American college or university, to BRYANT SMITH, of Guilford College, North Carolina, a member of the senior class in Guilford College. The judges have been unable to differentiate as to the best of several essays, and as a result two essays each have been assigned to second, third and fourth places in the order of merit. The two tied for second place are Arthur S. MacArthur, Williamsville, N. Y., Cornell University, and L. W. Fifield, of Kansas City, Mo., Oberlin College. The two tied for third place are Arno Behnke, of Grand Rapids, Mich., Dartmouth College, and B. A. Ruggles, Towanda, Pa., University of Penna. The two tied for fourth place are J. C. Howe, of Newark, N. J., University of Pennsylvania, and Earl W. Tucker, of Syracuse, N. Y., Syracuse University.

Mr. SMITH, on behalf of the Conference I present you the prize. (Applause.)

COLLEGE PRIZES

ACCEPTANCE OF THE PUGSLEY PRIZE

BY MR. BRYANT SMITH

On the evening before I started up here, as I was standing with a number of students in front of the little store in the village where our college is located, I asked someone what I should say in accepting this prize. I knew that I was thankful enough, but had some doubts as to how best I might express my appreciation. An old white headed gentleman who was sitting by, to whom the memories of things which were happening fifty years ago are more real than those things which are transpiring about him today, spoke up quickly and said:

"Tell them something about the South, boy. Tell those Yanks something about the South." (Laughter and applause.)

I shall not tell you anything about the South this evening, because I believe if the Mohonk Conference stands for any one purpose more than for another, that purpose is to make international, interstate, and intersectional boundary lines as imaginary in practice as they are in theory. I appreciate this honor, not primarily as a Tar Heel, not primarily as a Southerner, but rather as an American with the possibility even of becoming a citizen of the world. (Applause.)

To me it has always been a fascinating subject to study social development at long range and see the family develop into the tribe, the tribes unite into confederations, these grow into nations, and the nations through communities of interest extend their boundaries to include adjacent territory, thus ever tending to larger, natural units of government. The movement for international arbitration, which is but one of the manifestations of this more fundamental process, has always appealed to me as deserving no less the support of the rational man than of the poet.

In offering this prize I presume Mr. Pugsley had in mind the awakening of interest among college students in the subject of international arbitration. In my case, although I had already become interested, his generosity has not miscarried; for besides the other essays that have been written, in preparing my paper I have myself been led to investigate more thoroughly, and to inform myself more extensively on this subject which grows more important with each passing year.

For the incentive which prompted me to undertake this work, and for the reward which has blessed my efforts, I wish most sincerely to thank you, Mr. Pugsley.

For your generous hospitality and for the opportunity to visit this ideal resort and to come in contact with and listen to so many of the world's representative men, I wish to thank you, Mr. Smiley.

And you, the guests of the Mohonk Conference, I wish to

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thank each of you for what you have contributed to the genial and inspiring atmosphere which has pervaded these meetings and which has contributed no little to the enjoyment of my good fortune. I thank you all. (Applause.)

THE CHAIRMAN: Mr. JAMES WOOD is recognized.

Mr. JAMES WOOD: The Executive Committee appointed a special committee to draft a statement for the records of this Conference with reference to the death of Mr. and Mrs. Albert K. Smiley. This would seem to be a suitable time to present the following on behalf of that Committee.

ALBERT K. SMILEY

AN APPRECIATION

"The Nineteenth Annual Lake Mohonk Conference on International Arbitration desires to place upon its records an expression of its appreciation of the life, character and work of its founder and maintainer, Albert K. Smiley, who departed from this life on the second day of December, 1912, at the age of eighty-four years.

"In all the interests of his active life he accomplished notable results. At the beginning of his career he not only trained the intellects of the many students who came under his care as a teacher, but he impressed upon them the moral and ethical principles that guided his own life.

"Later he rendered valuable service to higher education as a trustee of Bryn Mawr College from its foundation, as a trustee of Brown University for many years, and as president of the board of trustees of the New York State Normal School at New Paltz.

"At Lake Mohonk he established and developed this unique hostelry that has become an institution of world-wide fame, and here and at his winter home at Redlands, California, he developed the beauties of nature with the skill of an engineer and the arts of the landscape gardener and the horticulturist.

"Perhaps he himself considered his most important practical work was for the Indian wards of our nation, as a member of the Board of Indian Commissioners and in the establishment and long maintenance of the Annual Conferences of Friends of the Indians and Other Dependent Peoples through which the public received needed enlightenment, and where much of the legislation of the country in these interests has had its inception. If possible, he regarded as of even greater general importance the work of these Conferences on International Arbitration, to which he devoted his best thought and utmost endeavor for the good of mankind.

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"This appreciation would be incomplete without the mention of Mrs. Smiley, whose simple and gracious character charmed all who knew her, and who was both a loving companion and a true helpmate in all her husband's endeavors.

"Most strongly can it be said that the life work of Albert K. Smiley was the fruitage of his religious convictions. His religion was the religion of life, not of dogma. He believed the Divine Imminence and daily walked with God. His conception of highest privilege was to cooperate with God in the accomplishment of His beneficent purposes for the good of men. With his Christian faith there came the graces of the Spirit, by which his strong and vigorous character was made beautiful to the eyes of men. In his death, the world has lost a great personality whose noble character and consecrated work will long exert a potent influence upon mankind."

The CHAIRMAN: The Chair takes pleasure in recognizing Dr. JEFFERSON, Pastor of the Broadway Tabernacle, New York.

REMARKS OF DR. CHARLES E. JEFFERSON

I should like to say a few words before the closing hymn is sung. I have been coming to these Conferences many years, and tonight I have been thinking how much alike they all are. If you conceive of the Conference as an educator you must say it is always hung in the same frame. I was deeply impressed with that this afternoon as I was driving to Minnewaska. The roads are just as fine as they were the first time I saw them. The rocks are just as big, the prospects just as picturesque, the vistas through the woods just as charming, and the outlook over the valley just as splendid, the horizons were just as wide and the water came tumbling down over the rocks quite as enchanting as it did the first time it made my heart beat by its loveliness. Yes, the frame is always the same. And the Conferences are very much alike. You are sure to meet some one here you have seen before, and some one you never heard of before. You always have a great many surprises. There are always wise things said, and things otherwise. There is always a surprising diversity of opinion. There is always a clash of sentiment and of convictions, and down underneath there is always an exquisite harmony. Running through all there is aspiration; there are high ideals and an earnest effort to reach noble ends. Then every Conference is like every other Conference in this that it always comes to a close. Friday evening always arrives and the big hands of yonder clock point to nine, nine fifteen, nine thirty. At about this time our mind begins to be retrospective; our heart begins to grow tender, and we feel as though we wanted to say something. This is the time

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of evening when somebody always gets up and tries to express what he feels; he also tries to give expression to what others are feeling, and he always halts and stammers and at last sits down, feeling he has not said half of all he ought to have said. Now tonight, Mr. Chairman, I am the man who gets up and who halts and stammers and is going to sit down discomfited. I feel that I stand tonight in a unique position. I am the first man who ever arose to say the closing words at a Mohonk Arbitration Conference who did not look into the face of Mr. Albert K. Smiley. We thought about him at the beginning of the Conference, and all the way through. Indeed how can we help thinking of him, especially now at the close? This is just about the time of the evening when he always made his inimitable speech. It was at this time of the evening that he smiled his most heavenly smile, and it was at this time that he always confided to us his deep conviction that it was the best Conference yet. There is a cry down deep in us—

“But oh, for the touch of a vanished hand,
And the sound of a voice that is still.”

This cry is down in us all. But there is also this: Thanks be unto God for the grip of the living hand that has in it all the warmth that was in the hand that has vanished. Thanks be unto God for the music of the voice that speaks the same message of good will that was spoken by the voice that is still. The uppermost feeling in us toward Mr. and Mrs. Daniel Smiley is this—a feeling of profound gratitude to the Father of us all that Albert K. Smiley is succeeded by people like you. I did not rise to make any speech. I simply got up to say that I cannot tell you how deeply we appreciate your great kindness to us, and how profoundly thankful we are for these beautiful days in your beautiful home. (Applause.)

REMARKS OF HON. JOSEPH B. MOORE

JUSTICE OF THE SUPREME COURT OF MICHIGAN

May I be pardoned a few words in seconding the very beautiful expression of Dr. Jefferson. Those of us who have been coming to this Conference many years have always known that we should meet upon the porch on arriving Mr. Albert K. Smiley, and until the later years that we should find his sainted wife. We have missed them in a way, and yet as we have seen the dignity of Mr. Daniel Smiley, the poise, the tact, and listened to the little addresses his duties have led him to make, and have met the cordial welcome of Mrs. Smiley, we have all felt that the mantle of Mr. and Mrs. Albert K. Smiley has fallen upon worthy shoulders. This situation reminds me of an incident that happened during the Civil War. In one of those

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sanguinary conflicts, the standard bearer carrying the regimental colors fell. A young fellow sprang forward, and taking the standard was able to say at the close of the engagement that the colors never touched the ground. So did this standard carried by Albert K. Smiley and his wife, bear the colors, which were the rallying point of the men and women all over the world, who were making war against war that peace through justice might come. And so, in these trying days, the standard carrying the colors continues to point upward and onward and will thus ever be held until the battle is won. (Applause.)

The CHAIRMAN: These resolutions of thanks that have been proposed and seconded to Mr. and Mrs. Daniel Smiley are before us. Will you signify your desire in regard to them by rising?

The entire audience arose.

The CHAIRMAN: The vote is unanimous. Mr. SMILEY is recognized.

REMARKS OF MR. SMILEY

With all the mingled feelings and emotions which the exercises of this evening bring up, I would not be human if I did not have a feeling of gladness at the happy outcome of these past three days of Conference. All through it, there has been pressing on me a profound thankfulness to our Heavenly Father who has put it in the minds of you kind friends to come and help carry on this work. I thank you for coming. I hope that the hands of all of us may be strengthened to continue this work, and that at the end of a twelvemonth we may have another Conference to go on with it further. I thank you. (Applause.)

The audience sang "God Be With You 'Till We Meet Again," and the Nineteenth Annual Lake Mohonk Conference on International Arbitration adjourned without day.

MEMBERS PRESENT AT THE NINETEENTH CONFERENCE

The asterisk (*) following the name of a gentleman indicates that he was accompanied by his wife.

ABBOTT, REV. LYMAN, D.D., Cornwall-on-Hudson, N. Y., Editor *The Outlook*.

ADLER, FELIX, Ph.D.,* Professor Political and Social Ethics, Columbia University, New York.

AINEY, HON. WILLIAM D. B.,* Montrose, Pa., Member of Congress.

ANDREWS, MRS. FANNIE FERN, 405 Marlborough St., Boston, Mass., Secretary American School Peace League.

ANGELL, NORMAN, 4 Kings Bench Walk, Temple, London, E. C., Eng., Author "The Great Illusion."

ASAKAWA, K., Ph.D., Instructor History of Japanese Civilization, Yale University, New Haven, Conn.

BAKER, J. ALLEN, Esq., M. P., Donnington, Harlesden, N. W., London, Eng.

BARKER, REAR ADMIRAL ALBERT S., U. S. N., 1716 N St., N. W., Washington, D. C.

BARTLETT, REV. A. EUGENE, D.D., The Church of the Redeemer, Chicago, Ill.

BEALS, CHARLES E., 30 N. LaSalle St., Chicago, Ill., Director Central West Dept., American Peace Society.

BERGER, ALEXANDER, Fredericksburg, Va.

BERNSTEIN, SAMUEL,* President Chamber of Commerce, Kingston, N. Y.

BLACK, MRS. ELMER E., 512 Fifth Ave., New York.

BORCHARD, EDWIN M., Law Librarian of Congress, Washington, D. C.

BOURASSA, HENRI, M. L. A., Editor *Le Devoir*, 71a St. James St., Montreal, Canada.

BRACQ, JEAN C.,* Professor Romance Languages, Vassar College, Poughkeepsie, N. Y.

BREED, GEORGE HERBERT,* Delegate Board of Trade, Lynn, Mass.

BROWN, ELMER ELLSWORTH, LL.D.,* Chancellor New York University, New York.

BRUCE, HELM,* Lincoln Bank Bldg., Louisville, Ky.

CALL, ARTHUR DEERIN, Executive Director American Peace Society, Colorado Bldg., Washington, D. C.

CALLAHAN, JAMES MORTON, Ph.D.,* Professor History and Political Science, West Virginia University, Morgantown, W. Va.

CAPEN, SAMUEL B., 85 Devonshire St., Boston, Mass., President Mass. Peace Society.

CARLE, FRANK A., Editor *The Tribune*, Minneapolis, Minn.

CARPENTER, HON. WILLIAM L.,* 59 Delaware Ave., Detroit, Mich.

CASSIDY, DAVID D., JR.,* Delegate Board of Trade, Amsterdam, N. Y.

CHANDLER, ALBERT B.,* 389 Clinton Ave., Brooklyn, N. Y., Manager Postal Telegraph and Cable Co.

CHESTER, HON. ALDEN,* Albany, N. Y., Justice New York Supreme Court.

MEMBERS

- CHESTER, REAR ADMIRAL COLBY M., U. S. N., 1736 K St., Washington, D. C.
- CLAXTON, HON. P. P., United States Commissioner of Education, Washington, D. C.
- CLEARWATER, HON. A. T., Kingston, N. Y.
- COLLINS, RICHARD S.,* 117 East 61st St., New York.
- CONANT, THOMAS O., LL.D., Editor *The Examiner*, New York.
- CORCORAN, JOHN H.,* Cambridge, Mass., Delegate Massachusetts State Board of Trade.
- COXE, HON. MACGRANE,* Woolworth Bldg., 233 Broadway, New York.
- CRANSTON, RT. REV. EARL,* Washington, D. C., Senior Bishop, M. E. Church.
- CROSMAN, GEORGE L., Delegate Board of Trade, Portland, Me.
- DENNIS, WILLIAM C., 810 Union Trust Bldg., Washington, D. C.
- DUNNING, A. E., D.D.,* Editor *The Congregationalist*, Boston, Mass.
- DUTTON, PROF. SAMUEL T., Superintendent Teachers College Schools, New York.
- EATON, EDWARD D., LL.D.,* President Beloit College, Beloit, Wis.
- EBERHART, HON. A. O., St. Paul, Minn., Governor of Minnesota.
- ELIOT, CHARLES W., LL.D.,* Cambridge, Mass., President Emeritus of Harvard University.
- ELLIOTT, GEORGE A.,* Delegate Chamber of Commerce, Wilmington, Del.
- ENNIS, BRIGADIER GENERAL WILLIAM, U. S. A.,* Newport, R. I.
- FARNAM, DR. HENRY W.,* Professor of Economics, Yale University, New Haven, Conn.
- FARQUHAR, HON. A. B., LL.D., York, Pa., Delegate Chamber of Commerce of the United States and National Association of Manufacturers.
- FITZPATRICK, T. B.,* Delegate Chamber of Commerce, Boston, Mass.
- FOXCROFT, FRANK, Editor *The Living Age*, Boston, Mass.
- GIESSWEIN, RT. REV. CANON ALEXANDER, D.D., Budapest, Dom. Prelate of His Holiness; Member Hungarian Parliament; President Hungarian Peace Society.
- GILDERSLEEVE, ELMER D.,* President Chamber of Commerce, Poughkeepsie, N. Y.
- GINN, EDWIN, Boston, Mass., Founder of The World Peace Foundation.
- GOUCHER, REV. JOHN F., D.D., Baltimore, Md., President Emeritus, Woman's College.
- HALL, REV. J. J., D.D., Director South Atlantic States Department American Peace Society, Atlanta, Ga.
- HAMILTON, W. P.,* 151 Columbia Hts., Brooklyn, N. Y., Editor *The Wall St. Journal*.
- HARRIS, DR. A. W., President Northwestern University, Evanston, Ill.
- HEFFORD, R. R., Delegate Chamber of Commerce, Buffalo, N. Y.
- HERSHEY, AMOS S., Ph.D.,* Professor Political Science and International Law, Indiana University, Bloomington, Ind.
- HOLT, HAMILTON,* Managing Editor, *The Independent*, New York.
- HOOVER, MATTHEW H.,* Chief Bureau of Publication, N. Y. Conservation Commission, Albany, N. Y.
- HORNING, LEWES E., Ph.D., Toronto, Can., Professor Teutonic Philology, Victoria College, President Canadian Peace Society.
- HOWARD, H. S.,* Secretary Commercial Club, Burlington, Vt.
- HOYT, ALBERT E.,* Secretary New York State Conservation Commission, Albany, N. Y.

MEMBERS

- HUMPHREY, ANDREW B., 31 Nassau St., New York, General Secretary American Peace and Arbitration League.
- HUNSBERGER, W. A., Ph.D.,* Executive Vice-President International Peace Forum, 185-7 Madison Ave., New York.
- JACKSON, HON. FREDERICK H., 135 Industrial Trust Bldg., Providence, R. I., Delegate Providence Chamber of Commerce.
- JEFFERSON, REV. CHARLES E., D.D., Broadway Tabernacle, Broadway & 56th St., New York.
- JOHNSON, EMORY R., Ph.D.,* Philadelphia, Pa., Professor Transportation and Commerce, University of Pennsylvania; Special Commissioner on Panama Traffic and Tolls.
- JOHNSON, HOMER H.,* President Chamber of Commerce, Cleveland Ohio.
- KNOWLAND, HON. JOSEPH R.,* Alameda, Cal., Member of Congress.
- KUHN, ARTHUR K., Ph.D., 308 West 92d St., New York, Lecturer on Private International Law in Columbia University.
- LANE, RALPH, (see "Angell, Norman").
- LEFEVRE, HON. FRANK J.,* President Huguenot National Bank, New Paltz, N. Y.
- LEIPZIGER, HENRY M., LL.D., Supervisor of Lectures, New York Department of Education, 500 Park Ave., New York.
- LEWIS, JOHN,* Editor *The Star*, Toronto, Canada.
- LOPEZ, SENOR DON JACINTO, Venezuelan Consul General, New York.
- LYNCH, REV. FREDERICK, D.D., Proprietor *The Christian Work*, New York.
- MACARTHUR, ARTHUR, Editor *The Northern Budget*, Troy, N. Y.
- MCBEE, SILAS,* Editor *The Constructive Quarterly*, 200 Fifth Ave., New York.
- MCCARROLL, HON. WILLIAM,* 150 Broadway, New York.
- MCCREERY, J. CRAWFORD,* 112 West 42d St., New York, Delegate New York Merchants Association.
- MACFARLAND, REV. CHARLES S., Ph.D.,* Clarendon Bldg., New York, Secretary Federal Council of Churches in America.
- MCKENZIE, F. A., Delegate Chamber of Commerce, Columbus, O.
- MAREAN, MRS. EMMA E., Editor *The Christian Register*, Boston, Mass.
- MARKS, MARCUS M.,* 4 East 94th St., New York.
- MARSHALL, E. P., Delegate Business Men's Club, Cincinnati, O.
- MEAD, EDWIN D.,* Director World Peace Foundation, Boston, Mass.
- MERRELL, REAR ADMIRAL JOHN P., U. S. N., Marshall, Mich.
- MERRIAM, REV. E. F., D.D., Editor *The Watchman*, Boston, Mass.
- MITCHELL, S. C., LL.D., President University of South Carolina, Columbia, S. C.
- MOORE, HON. JOSEPH B., LL.D., Lansing, Mich., Justice Michigan Supreme Court.
- MOORES, J. HENRY,* President Chamber of Commerce, Lansing, Mich.
- MORE, PAUL E.,* Editor *The Nation*, New York.
- MORRIS, GEORGE PERRY, *The Christian Science Monitor*, Boston, Mass.
- MOXOM, REV. PHILIP S., D.D., 183 Dartmouth Terrace, Springfield, Mass.
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FOSTER, WILLIAM, 59 Wall St., New York.
FRERICHS, HARRISON, 418 St. Nicholas Ave., New York.
FULLER, H. S., *School*, New York.
GREEN, ALEXANDER, 54 Eighth Ave., New York.
HEATON, JOHN L., *The World*, New York.
HOLT, HAMILTON, *The Independent*, New York.
HORNE, PROF. HERMAN H., Ph.D., New York University, New York.

APPENDIX A

HUMPHREY, ANDREW B., American Peace and Arbitration League, 31 Nassau St., New York.
 MAHONY, WALTER B., 20 Nassau St., New York.
 ROBINSON, WILLIAM J., M.D., 12 Mt. Morris Park, W., New York.
 STEVENS, EDWARD L., Associate Supt. of Schools, New York.
 STEVENS, WILLIAM, M.D., 381 Central Park, W., New York.
 WILLIAMSON, DR. CHARLES C., New York Public Library, New York.
 YODER, PROF. A. H., School of Philanthropy, New York.
 CHRISTIE, J. ELMER, Nyack.
 VAN WAGENEN, MARVIN J., Ohioville.
 NATION, REV. HENRY C., Oriskany.
 BRUSIE, PROF. CHARLES FREDERICK, Mt. Pleasant Academy, Ossining.
 BURR, WILLIAM H., Granite Bldg., Rochester.
 CLARK, FRANK D., Box 207, Rochester.
 FRY, REV. FRANKLIN F., Church of the Reformation, Rochester.
 GIBSON, CARLETON E., Rochester.
 IRVINE, WILLIAM H., 9 King St., Rochester.
 DUDLEY, REV. CARL HERMON, Silver Creek.
 BARDEEN, CHARLES, *The School Bulletin*, Syracuse.
 MARSELLUS, JOHN, Box 102, Syracuse.
 BRODIE, REV. ANDREW M., First Presbyterian Church, Watertown.
 RUSSELL, REV. JAMES ELMER, Watkins.

NORTH CAROLINA

ALEXANDER, PROF. EBEN, University of North Carolina, Chapel Hill.
 BLAIR, PROF. F. S., Guilford College.
 HOBBS, PRES. L. L., Guilford College, Guilford College.
 JOHNSON, REV. WALTER N., Wake Forest
 HARRISON, PROF. THOMAS P., West Raleigh.
 BLAIR, WILLIAM A., LL.D., Peoples National Bank, Winston-Salem.

NORTH DAKOTA

GOOD, REV. CHARLES M., Beach.

OHIO

DOTY, ALONZO MELVILLE, Box 482, Ada.
 WILLIAMS, HENRY G., State Normal School, Athens.
 TABER, L. J., Barnesville.
 OWENS, JOSEPH P., Bluffton.
 ALFORD, REV. J. P., Bremen.
 HOSTETLER, JOHN A., Canal, Dover.
 BENCKENSTEIN, JULIUS J., Fourth Nat'l Bank Bldg., Cincinnati.
 BOOTH, E. R., Traction Bldg., Cincinnati.
 BROWN, REV. CHARLES SUMNER, Walnut Hills Baptist Church, Cincinnati.
 CUMMINS, PROF. J. P., 3453 Evans Pl., Cincinnati.
 DAVIS, HON. DAVID, Johnston Bldg., Cincinnati.
 DUBOIS, REV. G. W., D.D., Price Hill M. E. Church, Cincinnati.
 LLOYD, PROF. JOHN U., Ph.D., Court and Plum Sts., Cincinnati.
 MARSHALL, E. P., Union Central Life Insurance Co., Cincinnati.
 REINER, PROF. JOSEPH, St. Xavier Coll., Cincinnati.
 MAXWELL, PROF. J. E., 14815 Clifton Boulevard, Cleveland.
 JOHNSON, JUDGE JAMES, Supreme Court, Columbus.
 SANDLES, HON. A. P., State House, Columbus.
 KETCHAM, ALVIN, Corning.
 GEKELER, REV. JOHN C., Delaware.
 PEALE, REV. CHARLES C., M.D., Greenville.
 JONES, HON. EDWARD H., U. S. Circuit Court, Hamilton.
 TOBEY, HON. W. L., *The Republican Daily News*, Hamilton.
 LEWIS, PROF. HOWARD T., Hiram College, Hiram.
 WILLIAMS, HON. D. W., Jackson.
 MILLER, PRES. WALLACE E., Lebanon University, Lebanon.
 MULFORD, HON. J. M., *The Western Star*, Lebanon.
 ANDREWS, PROF. MARTIN R., Marietta College, Marietta.
 GILKEY, REV. S. W., D.D., New Concord.
 CADWALLADER, J. C., M.D., Norwood.
 DEATON, W. A., D.D., 3911 Spencer Ave., Norwood.
 KERSEY, W. RUFUS, Oregonia.
 HELLIWELL, REV. CHARLES, D.D., Richmond, Jefferson Co.
 DAVIS, J. M., Ph.D., Rio Grande.
 AMES, F. P., M.D., Rockland.
 OFFENHAUER, R. E., Sandusky.
 SANDERSON, REV. ROSS W., 126 Huron Ave., Sandusky.
 MCFARLAND, REV. K. D., Scio.
 GIBSON, REV. J. KING, D.D., South Charleston.
 BOGGESE, CAREY, Springfield.
 VOLKMER, ELMER L., 118 S. Washn. St., Tiffin.
 SUTLIFF, MISS PHEBE T., 234 High St., Warren.
 WESTON, PROF. S. F., Antioch College, Yellow Springs.

APPENDIX A

OKLAHOMA

JENKINS, HON. WILLIAM M., Guthrie.

OREGON

BASSFORD, REV. ALBERT F., First Baptist Church, Corvallis.
DeCOU, PROF. E. E., University of Oregon, Eugene.
BOUGHTON, PROF. F. G., McMinnville College, McMinnville.
FOSTER, PROF. WILLIAM T., Reed College, Portland.
MARVIN, MISS CORNELIA, Oregon State Library, Salem.

PENNSYLVANIA

JOSEPH, REV. THEO. F., Allentown.
KLINE, REV. MARION J., D.D., First Lutheran Church, Altoona.
SHEEDY, REV. MORGAN M., LL.D., St. John's Rectory Altoona.
PERRIS, MISS MARION, Ph.D., Bryn Mawr.
SADLER, HON. W. F., Carlisle.
MYERS, GARRY C., Ursinus Academy, Collegeville.
HOAG, HENRY T., Connellsville.
GIBBONS, REV. WILLIAM F., Dunmore.
OLDS, CLARK, 722 State St., Erie.
HIMES, PROF. JOHN A., Pennsylvania College, Gettysburg.
BRUMBAUGH, PRES. J. HARVEY, Juniata College, Huntingdon.
BECK, REV. L. H., Ph.D., D.D., Swedish Lutheran Church, Kane.
McCAULEY, REV. W. F., Litt.D., First Presbyterian Church, McKeesport.
DIFFENDAFER, A. P., Supt. of Schools, Nanticoke.
BAILEY, GEORGE W., M.D., World's Sunday School Association, Philadelphia.
BODINE, GEORGE I., Bodine & Sons, Philadelphia.
GRETZINGER, WILLIAM A., 2025 E. Dauphin St., Philadelphia.
STOEVER, WILLIAM C., 727 Walnut St., Philadelphia.
YARNALL, STANLEY R., Friends School, Germantown, Philadelphia.
LARAMY, ROBERT E., Supt. of Schools, Phoenixville.
OWEN, CHARLES T., *The Druid*, Pittsburgh.
MEIGS, JOHN, Ph.D., Pottstown.
FEOS, CHARLES S., Supt. Public Schools, Reading.
MACK, REV. CHARLES A., Riceville.
PEARSON, SAMUEL, Scranton.
MARTIN, REV. SAMUEL A., D.D., State Normal School, Shippensburg.
RAY, PROF. P. ORMAN, Pennsylvania State College, State College.
HOLMES, PROF. JESSE H., Ph.D., Swarthmore College, Swarthmore.
WICKERSHAM, WILLIAM F., Friends Boarding School, Westtown.
GUTHRIE, REV. CHARLES E., First M. E. Church, Wilkesbarre.
BAILEY, H. A., Y. M. C. A., York.

PHILIPPINE ISLANDS

RIVERA, LUIS, Pagsanhan, Laguna.
BENITEZ, CONRADO, University of the Philippines, Manila.
ROBERTSON, JAMES ALEXANDER, Philippines Library, Manila.

RHODE ISLAND

WYMAN, ELWOOD T., Apponang.
BICKNELL, THOMAS W., LL.D., 207 Doyle Ave., Providence.

SOUTH CAROLINA

TATE, W. K., State Supervisor Elementary Rural Schools, Columbia.
LAWSON, REV. J. C., Kelton.
WALMSLEY, PROF. J. E., Ph.D., Rock Hill.
BROCKMAN, M. E., Seneca.

SOUTH DAKOTA

NASH, PRES. GEORGE W., Northern Normal and Industrial School, Aberdeen.
HOYT, CHARLES KIMBALL, D.D., Huron College, Huron.
COOK, F. L., State Normal School, Spearfish.
MUNDT, J. C., University of South Dakota, Vermillion.
CHRISTOPHELSMEIER, PROF. CARL, Ph.D., University of South Dakota, Vermillion.
PAYNE, PROF. JASON E., University of South Dakota, Vermillion.
SEYMOUR, A. H., Volga.

TENNESSEE

LONERY, J. R., 2117 Magnolia Ave., Knoxville.
CURTIS, JOHN W., Vocational High School, Poplar Ave., Memphis.
HARRIS, PROF. ALBERT M., Vanderbilt University, Nashville.
PAYNE, BRUCE R., Ph.D., George Peabody Coll., Nashville.
STEELE, PROF. R. B., Vanderbilt University, Nashville.

TEXAS

BARSTOW, GEORGE EAMES, Barstow, Ward Co.
LLOYD, REV. W. F., D.D., Johnson M. E. Church, Dublin.

APPENDIX A

TOMLINSON, DOUGLAS E., 618 E. Elm St., Hillsboro.
BLACKSHEAR, EDWARD L., LL.D., State Normal College, Prairie View.
ARNOLD, W. A., Vashti.
COLEMAN, A. T., 1222 James St., Waco.
OWEN, E. A., 1801 S. Ninth St., Waco.

UTAH

SYODAHL, J. M., *The Deseret News*, Salt Lake City.

VERMONT

GOODRICH, J. E., D.D., 483 Main St., Burlington.
RIVIER, REV. CHARLES, Ph.D., Dummerston.
HASTINGS, FRANK W., Glover.
HURD, REV. E. T., Lowell.
FLAGG, REV. RUFUS C., D.D., Newport.
METZGER, REV. FRASER, Bethany Church, Randolph.
WOODWARD, D. C., Randolph.
GREENE, F. L., St. Albans.
LAWSON, GEORGE B., Vermont Academy, Saxton's River.
MASON, REV. EDWARD A., Saxton's River.
MORSE, F. A., West Rutland.
VRADENBURGH, REV. EDGAR S., West Rutland.

VIRGINIA

SANGER, PROF. WM. T., Bridgewater Coll., Bridgewater.
TUTTLE, PROF. ALBERT H., University of Virginia, Charlottesville.
ROLLER, JOHN E., Harrisonburg.
WILLIS, PAUL T., Box 313, Lynchburg.
BARNE, REV. J. G., Richmond College, Richmond.
MOFFITT, MRS. E. E., 509 W. Franklin St., Richmond.
CROSBY, OSCAR T., Warrenton.

WASHINGTON

CHITTENDEN, BRIG. GEN. H. M., 124 Fifteenth Ave., N., Seattle.
DAS, TARAKNATH, 707 Thirteenth Ave., N., Seattle.
IRIG, HERBERT C., c/o J. S. Graham, Inc., Seattle.
WHALEY, C. F., Room 4, Kinnear Bldg., Seattle.
EDWARDS, REV. JONATHAN, Ph.D., Box 128, Sprague.
DAVIS, PROF. WALTER S., University of Puget Sound, Tacoma.
ZELLER, JULIUS CHRISTIAN, D.D., Univ. of Puget Sound, Tacoma.

WEST VIRGINIA

SWITZER, REV. E. C., Philippi.
MARSHALL, T. MARCELLUS, Stout's Mills.
TIFFANY, REV. HENRY W., West Union.

WISCONSIN

BUSHNELL, PROF. CHARLES J., Ph.D., Lawrence College, Appleton.
DEXTER, REV. FRANK N., Ashland.
EATON, EDWARD D., LL.D., Beloit College, Beloit.
SNYDER, IVAN LOTT, Hixton, Jackson Co.
GOLD, REV. HOWARD R., University of Wisconsin, Madison.
JONES, PROF. CHESTER LLOYD, University of Wisconsin, Madison.
LOCHNER, LOUIS P., 612 S. Brearly St., Madison.
ROBINSON, EDGAR E., 419 Sterling Court, Madison.
PERELES, T. J., Pereles Building, Milwaukee.
THOMPSON, CARL D., 344 Sixth St., Milwaukee.
KEITH, JOHN A. H., State Normal School, Oshkosh.
EVANS, PRES. SILAS, Ripon College, Ripon.
LEICHT, GEORGE J., Wausau.

ARGENTINE REPUBLIC

McLAUGHLIN, W. P., D.D., American Church, Buenos Aires.

AUSTRALIA

FRYER, EDWARD H., Hectorville.
DILLON, E. E., The Peace Society, 60 Queen St., Melbourne.
HOWIE, CHARLES E., 588 Bourke St., Melbourne.
COLEMAN, FREDERICK, Saddleworth.
ALLEN, STANLEY F., New South Wales Peace Society, Sydney.

BURMA

SAFFORD, PROF. HARRY E., Baptist College, Rangoon.

APPENDIX A

CANADA

HOLLING, REV. T. E., 148 Park Ave., Brantford, Ontario.
 PRAGER, GUSTAVE, 466 King St. W., Berlin, Ontario.
 JEFFERSON, REV. SELBY, Crediton, Stephen Co., Ontario.
 CHISHOLM, JOSEPH A., K.C., Halifax Club, Halifax, N. S.
 DENNIS, HON. WILLIAM, Halifax, N. S.
 HARRIS, REGINALD V., St. Paul Bldg., Halifax.
 MACGILLIVRAY, DOUGALD, Canadian Bank of Commerce, Halifax, N. S.
 MACMILLAN, REV. I. W., D.D., St. Matthew's Church, Halifax.
 MAGILL, PROF. ROBERT A., D.D., Dalhousie University, Halifax, N. S.
 PEARSON, G. FRED, 45 Sackville St., Halifax, N. S.
 ROSS, REV. R. WM., Ft. Massey Presbyterian Church, Halifax, N. S.
 RUSSELL, HON. BENJ., D.C.L., Nova Scotia Supreme Court, Halifax.
 KILLINS, D. E., Marshville, Ontario.
 CRAIK, REV. GALEN H., Melbourne, P. Q.
 REILLY, HON. E. A., Moncton, N. B.
 BEAUDRY, J. A., Montreal.
 COOK, PROF. E. ALBERT, Congregational College of Canada, Montreal.
 DICKIE, REV. R. W., 644 Dorchester St., W., Montreal.
 LIGHTHALL, W. D., K.C., F.R.S.C., Montreal.
 BORDEN, R. L., M.P., L.L.D., Ottawa.
 WOODSIDE, REV. G. A., Owen Sound, Ontario.
 KEITH, REV. HENRY J., Knox Church, Peterborough, Ontario.
 HATHEWAY, MRS. W. FRANK, 71 St. James St., St. John, N. B.
 BIGGAR, E. B., 471 Marion St., Parkdale, Toronto.
 YOUNG, REV. GEORGE M., Tryon, P. E. Island.
 LANGFORD, A. L., Victoria College, Toronto.
 LITTLE, GEORGE HENRY, Box 335, Victoria, B. C.
 RUSSELL, H. J., 273 Machray Ave., Winnipeg.
 CUTTEN, GEORGE B., Acadia University, Wolfville, N. S.
 CROWELL, REV. C. E., Box 303, Yarmouth, N. S.

CHINA

DEALY, T. KIRKMAN, Queen's College, Hong Kong.
 GIBB, PROF. JNO. MCGREGOR, JR., Peking University, Peking.
 KIRTON, CAPTAIN WALTER, *The National Review*, Shanghai.
 HEDLEY, REV. JOHN, United Methodist Mission, Tientsin.

EGYPT

IRAIN, HADJI MIRZA ABDEL MOHAMED, *Tchehreh Nema*, Cairo.

ENGLAND

GREENE, W. S. CLAYTON, 2 Garden Court, Temple, London, E. C.

FRANCE

BEACH, CHARLES F., 95 rue des Petits-Champs, Paris.
 BOLLACK, LEON, French Peace Society, 147 Ave. Malakoff, Paris.

GERMANY

NASMYTH, GEORGE W., c/o American Express Co., Charlottenstr. 55, Berlin.
 STRUPP, DR. JUR KARL, Reuterweg 40, Frankfurt a. M.
 SON, S. M. FREDERICKS OF, "Nobiles Academici," Ritterhaus, Heidelberg.

ITALY

CREETH, MISS EMILY, via Curtatone 6, Rome.
 TOLBERTON, MISS J., via Curtatone 6, Rome.

JAPAN

DENTON, MISS MAY FLORENCE, Doshisha Girls' School, Kioto.
 BOWLES, REV. GILBERT, Japan Peace Society, Tokyo.
 CLEMENT, PROF. ERNEST W., First Higher School, Tokyo.
 LOOMIS, REV. H., Japan Agency American Bible Society, Yokohama.
 PARRY, C. A., *The Japan Daily Herald*, Yokohama.

LIBERIA

ELLIS, HON. GEORGE W., F.R., G.S., American Legation, Monrovia.

MEXICO

ALLEN, J. C., Apartado 342, Monterrey, N. L.
 SEIN, E. M., Mexico Sunday School Association, Apartado 338, San Luis Potosi.

APPENDIX A

PERSIA

FATHULLAH KHAN, MIRZA, Shah-Shahan, Isfahan.
SONRAE, MIRZA ANAYETULLAH, Abadeh nr. Isfahan.
HOSSEIN MIRZA, GOLAM, Tokesh Zadeh, Shirez.
AZZIZOLLAH MIRZA, KHAN, Rue Arbab Jamsheed, Teheran.

PERU

MACKNIGHT, PROF. J. A., Men's Normal School, Lima.

SYRIA

CARHART, S. L., Library, Syrian Protestant College, Beirut.

TASMANIA

MATHEW, J. FRANCIS, *The Australian Friend*, Hobart.
MATHEW, R. ANDREW, The Society of Friends, Hobart.
MERCER, BISHOP, Peace Society in Tasmania, Hobart.

TURKEY

TEWFIK BEY, S. M., *Dalustan Irawian*, Bayezid, Constantinople.
PARTRIDGE, REV. ERNEST C., American Normal School, Sivas.

APPENDIX B

PRIZES FOR ESSAYS BY COLLEGE STUDENTS

THE PUGSLEY PRIZE ESSAY CONTESTS

In 1908, Mr. Chester DeWitt Pugsley, of Peekskill, N. Y., then an undergraduate student in Harvard University, offered through the Lake Mohonk Conference, \$50 as a prize for the best essay on international arbitration by an undergraduate student of an American college. The prize was won by L. B. Bobbitt, of Baltimore, a sophomore in Johns Hopkins University. The following year (1909-10) a similar prize of \$100 was won by George Knowles Gardner, of Worcester, Mass., a Harvard sophomore. A like prize of \$100 in 1910-11 was won by Harry Posner, of West Point, Miss., a senior in the Mississippi Agricultural and Mechanical College, while the prize for 1911-12 went to John K. Starkweather, of Denver, Colo., a junior in Brown University, and that for 1912-13 to Bryant Smith, of Guilford College, N. C., a senior in Guilford College. The number of essays submitted in each year have been as follows: 1908-9, 50; 1909-10, 75; 1910-11, 61; 1911-12 (when for the first time the contest was restricted to men students only), 51, and 1912-13, 55. Each winner has attended a Mohonk Conference to receive the prize. For an account of the presentation to Mr. Smith and of his response, see proceedings of the sixth session in this report. Mr. Smith's winning essay will be printed in pamphlet form, and can be obtained on application to the Secretary of the Conference.—Ed.

THE SIXTH PUGSLEY PRIZE, 1913-14

Through the Lake Mohonk Conference, Mr. Chester DeWitt Pugsley will again offer a prize of \$100 for the best essay on "International Arbitration" by an undergraduate man student of any college or university in the United States or Canada. The contest will close March 15, 1914. For full particulars address the Secretary of the Conference.

THE BLACK PRIZE ESSAY CONTEST

In 1911 Mrs. Elmer E. Black, of New York, offered, through the Lake Mohonk Conference, two prizes—of \$200 and \$100—for the best essays on the subject of "International Peace," by undergraduate women students of any college or university in the United States. The first prize was won by Eunice B. Peter, a senior in the Chicago Law School, and the second by Katherine Warren, a sophomore in Simmons College, Boston. In 1912-13 the first of similar prizes was won by Mary R. Pollock, of Birmingham, Mich., a freshman in the Rochester (N. Y.) Athenaeum and Mechanics Institute, and the second by Helen Anderson, of Denver, Colo., a junior in the University of Denver. For an account of the presentation of the first prize to Miss Pollock and of her response, see proceedings of the sixth session in this report. The winning essays by Misses Pollock and Anderson will be printed in pamphlet form, and can be obtained on application to the Secretary of the Conference.—Ed.

APPENDIX B

THE BLACK PRIZES FOR 1913-14

Through the Lake Mohonk Conference, Mrs. Elmer E. Black, of New York, will again offer two prizes—a first prize of \$200 and a second prize of \$100—for the best essays on "International Peace" by undergraduate women students of any college or university in the United States. The contest will close March 15, 1914. For full particulars address the Secretary of the Conference.

APPENDIX C

SPECIAL MEETINGS HELD IN CONNECTION WITH OR DURING THE NINETEENTH CONFERENCE

BUSINESS MEN'S MEETINGS

The official delegates* from business organizations held a number of special meetings on May 14th, 15th and 16th, as a result of which they prepared and adopted resolutions presented to and approved by the Conference.* At one meeting, they conferred with Mr. Norman Angell (Ralph Lane), author of "The Great Illusion," regarding the economic aspects of the arbitration movement.

PRESS COMMITTEE MEETING

The Press Committee of the Nineteenth Conference† held a special meeting, May 15th, at which they adopted the following minute:

The Press Committee of the Nineteenth Lake Mohonk Conference on International Arbitration has considered the question of educating public opinion through the press, and unanimously recommends:

That the Permanent Secretary furnish newspapers and periodicals, at frequent intervals, with topics for editorial discussion, and with news on the progress of International Arbitration, reporting any resulting increase in publicity to the next Conference; and

That the Platform of the Conference be announced at the morning meeting of the last day of future conferences, instead of on the last evening, in order to secure its full news value in the morning newspapers of the ensuing Saturday.

ALBERT E. HOYT, *Chairman.*

W. P. HAMILTON, *Secretary Pro Tem.*

MEMORIAL SERVICE IN HONOR OF ALBERT K. SMILEY

On Wednesday afternoon, May 14th, a simple but touching memorial service in honor of ALBERT K. SMILEY, whose death occurred December 2, 1912, was held under the auspices of a

* See report by Mr. Marks in proceedings of sixth session.

† For personnel of the committee, see p. 2.

APPENDIX C

committee, originally appointed by the New York Peace Society, consisting of Dr. Lyman Abbott, Dr. Elmer Ellsworth Brown, Mr. Hamilton Holt, and Dr. George W. Kirchwey. The service was opened with prayer by Rev. Dr. Edward D. Eaton, and several of the favorite hymns of the late Mr. Smiley were sung. Dr. Abbott and Dr. Brown both spoke feelingly, the former dwelling on Mr. Smiley as a friend of humanity in general, and the latter referring more particularly to his work as founder and host of the Lake Mohonk Conferences.

It is understood that the proceedings of the service, which was largely attended by members of the Conference, will be published in pamphlet form, and copies may be obtained on application to Daniel Smiley.—Ed.

INTERCOLLEGIATE PEACE ASSOCIATION ORATORICAL CONTEST

The annual national oratorical contest of the Intercollegiate Peace Association was held on Thursday afternoon, May 15th, and, by invitation of the Association, most of the members of the Conference listened to the orations. Each of the three contestants had previously won a local (college), State and group contest. The winner was Paul V. Blanshard, of the University of Michigan, representing the "Central Group." The "Western Group" was represented by Vernon M. Welsh, of Knox College, Galesburg, Ill., and the "Eastern Group" by Calvin Magruder, of St. John's College, Annapolis, Md.

Particulars of the contest and information concerning the valuable work of the Intercollegiate Peace Association may be obtained from the Secretary of the Association, Professor S. F. Weston, Yellow Springs, Ohio.—Ed.

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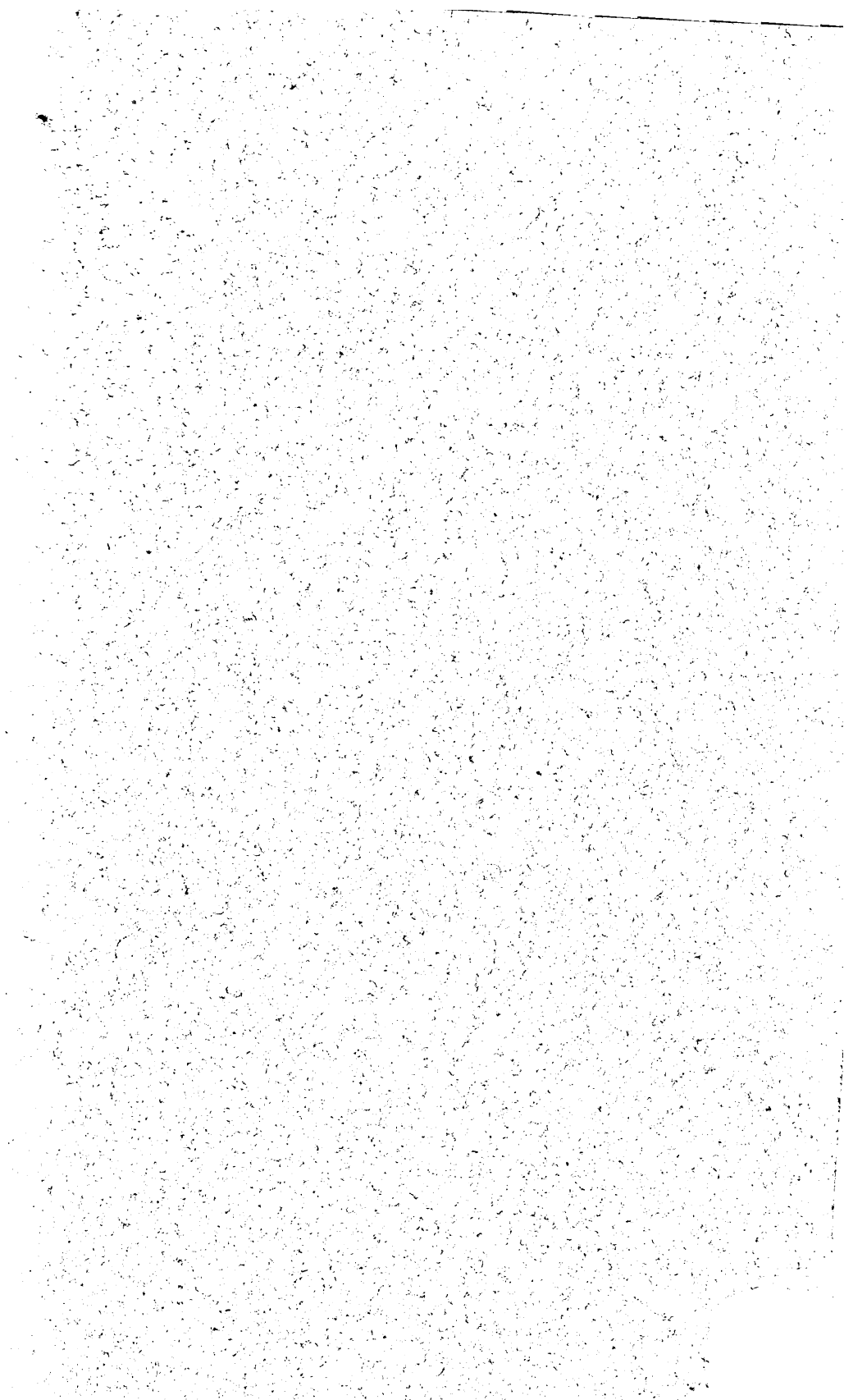
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